



DEMOCRATIC GOVERNANCE AND POLITICAL PARTICIPATION IN NIGERIA 1999-2014

**Edited by
Femi Omotoso & Michael Kehinde**

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**DEMOCRATIC
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NIGERIA 1999-2014**

DEMOCRATIC GOVERNANCE AND POLITICAL PARTICIPATION IN NIGERIA 1999-2014

Democratic Governance and Political Participation in Nigeria 1999-2014 seeks to critically analyse Nigeria's democratic experience since 1999 when the current Republic was instituted. Given the chequered democratic antecedents of the country, the book examines the factors responsible for the resilience of the present democratic dispensation, in spite of forces inhibiting democratic consolidation. It also examines these inhibiting forces and makes recommendations for overcoming them. Finally, the book seeks to stimulate intellectual discourse on Nigeria's democracy and arouse greater research interests in the subject.

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Praise for *Democratic Governance and Political Participation in Nigeria 1999-2014*

“This volume captures the essence and dynamics of democratic governance in Nigeria. The authors have done an excellent job of critically assessing the key themes, events, institutions, and actors that dominates the spectrum of contemporary Nigerian society and politics. The book is a must read for all interested in understanding the Nigerian State.”

Celestine Oyom Bassey, *Professor of International Relations, Department of Political Science, University of Calabar, Nigeria*

“This edited volume comprises some of the well-researched essays ever written on democratic governance and political participation in Nigeria. The essays go beyond the expected narratives of elections, party politics, gender and interest representation, human rights, public policy, political culture and governance to explore some of the peculiar issues in Nigeria’s contemporary democratic experiment such as privatization of national assets, anti-corruption campaign, terrorist insurgency, domestic security and the Bakassi Peninsula foreign policy debacle. The book is a strongly recommended reading for all relevant researchers, students, instructors and policy makers.”

Prof Kenneth Omeje, *University of Bradford, UK & University of Johannesburg, South Africa.*

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To Nigerians:

For their resilience and commitment to the survival of the nation and
unshaken belief and abiding faith in democratic rule despite all odds.

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Femi Omotoso, PhD

&

Michael Kehinde, PhD

February 2016

FOREWORD

Rotimi Suberu

Nigeria is in the throes of a momentous but precarious and endangered political evolution. The period since the transition from military to civilian rule in 1999 has witnessed the longest phase of uninterrupted civilian rule in Nigeria's history, defying the country's past record of disruptive military interventionism and chronic civilian instability. The unprecedented inter-party alternation in the federal presidency in the 2015 general elections represents a political milestone, highlighting the country's prospects for democratic renewal and consolidation. At the same time, Nigeria faces enormous and onerous challenges to its political integration, stabilization and consolidation, leading one of the editors of this volume to surmise, "Nigeria has never been a united country [and]...could best be described as a country at the edge of a precipice."

Essentially, Nigeria's current political trajectories provide multiple grounds for both cautious optimism and reasonable pessimism about the country's future political development. Several elements nurture and inspire optimism about Nigeria's democratic promise. For starters, the country's past history of failed democratisations constitutes an important stock of experiential political capital, helping to inoculate the current dispensation against some of the mistakes of the past, including Nigerians' misplaced expectations regarding the corrective capacities of military rule. Additionally, the relative longevity of the current dispensation has facilitated the institutional growth and development of key agencies of restraint, including the legislature, the judiciary, and the national electoral commission. The National Assembly's resounding defeat of President Obasanjo's third term agenda, the Supreme Court's judicious arbitration of several sensitive inter-governmental and electoral conflicts, and the national electoral commission's successful umpiring of the historic 2015

presidential elections, are emblematic of this democratic institutional development and resilience.

Nigeria's civil society has also been an important driver of democratic progress, playing an increasingly sophisticated and effective role in monitoring the country's elections, in particular, and in exposing and challenging an elite political culture of corruption and impunity, in general. A supportive international environment has aided such domestic civic activism on behalf of democratization. Especially noteworthy are the crystallization of strong norms against military rule by African regional and sub-regional organizations, and the implementation of elaborate, multifaceted, programs of democracy assistance, including the use of the bully pulpit, by advanced liberal democracies like the United States, the United Kingdom, and the states of the European Union.

Acknowledgement of these drivers of democratic progress and institutionalization in Nigeria must, however, be balanced and nuanced by frank recognition of the multiplicity and enormity of challenges that assail the country's democratization. This edited volume is replete with analyses of the variegated "strains and stresses" of Nigeria's contemporary governance and politics. A persistent challenge involves an unresolved national question, which highlights Nigeria's failure to promote, attain and sustain the stable and equitable accommodation, inclusion and integration of its multiple ethnic, regional and religious communities. The fragility of the project of multi-ethnic integration is evident in the rise of violent Islamic extremism in the Muslim far north, the proliferation of deadly indigene-settler conflicts in the religiously mixed Middle Belt, and the resurgence of regional secessionist, ethnic revivalist, and resource control movements in the predominantly Christian south.

Political corruption, including the unconscionable looting of billions of US dollars in security budgets, represents another monumental challenge to Nigerian democracy. The challenge is compounded by the institutional underdevelopment and political manipulation of the country's various anti-corruption institutions. Corruption has eroded public trust in the legitimacy of the country's democratic institutions, despite the public's robust rejection of authoritarian alternatives to democracy. The gap in Nigeria between the demand for democracy, on the one hand, and the supply of, and satisfaction with, democracy, on the other, is compounded

by the failure of the civilian dispensation to deliver many of the anticipated dividends of democracy, especially pro-poor economic growth and opportunities, and delivery of basic public services and infrastructures in security, education, health and transportation, among others. A particularly egregious failure of Nigerian governance is the inability of the country's political leadership to wean the country's public financial system from its overdependence on volatile oil revenues.

The multiple failures of Nigeria's democratic governance reflect the underdevelopment of the political institutions designed to make political elites accountable to mass-based constituencies. Indeed, despite the aforementioned growth in the quality and maturity of some of Nigeria's democratic institutions, many of the country's political institutions remain in various stages of disrepair, dysfunction or disintegration. Examples include the political parties, local governments, the bureaucracy, subnational legislatures, the lower tiers of the judicature, and key agencies of restraint like the anti-corruption commissions and offices of auditor-general at national and subnational levels. Nigeria cannot experience sustainable and stable democratic consolidation without popular civic initiatives and/or a political elite constitutional settlement for reforming and developing these institutions.

In essence, Nigeria's project of democratic political development remains a work in progress, with major unfinished, onerous and contentious tasks in the realms of state and nation building, the development of the rule of law, and the institutionalization of truly accountable, transparent and representative governance. Despite monumental flaws and challenges in its evolution and operation, the current civilian dispensation provides a genuine historic opportunity for advancing the struggles for good stable democratic governance in the country. Whether Nigeria's political leadership, civic groups, and international partners will fully seize this momentous opportunity remains to be seen.

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DEMOCRATIC GOVERNANCE AND POLITICAL PARTICIPATION: INTRODUCTION TO THE ISSUES

Femi Omotoso

INTRODUCTION

Democracy is spreading like a wildfire worldwide as a process of government capable of guaranteeing good governance. It is the beautiful bride as it is attractive to nations, regardless of the nature and character of the system of government in operation. It is adjudged the best form of government because of its defining attributes, particularly for guaranteeing individual freedom in the political system and for allowing popular participation in governance. Since independence, Nigeria has passed through different stages in its political development as political power oscillated between the military institution and the civilian populace, with the latter gaining the upper hand. This has posed putative problems to the nation, affected its growth and constrained its development. The military ruled with an iron hand and curtailed peoples' freedom. The year 1999 was a watershed in the history of the country, as it witnessed the military institution cedes power to the political class. Against this background of the nation's past experience, this development seems the first 'genuine' transition that saw the military ruling elite transferring political power to civilians without it itching to stage a comeback, despite obvious lapse in the political system from the period till now. In other words, since 1999, Nigeria has been enjoying a 'stable' democratic government.

Despite the 'stability' in the system, the nation and its people are labouring under severe strains and stresses to adequately and effectively

enjoy the benefits derivable from democratic governance. This stems from the attitude of various government officials at all levels of administration in the country. The attitude is frame and defined by greed, corruption, bribery, embezzlement, godfatherism, electoral malpractices and other vices affecting and afflicting the democratic project in the country. In other words, though the country has remained one since 1999, the much cherished, long awaited and expected democratic dividends are miles away and elusive to the people. This introductory chapter undertakes an overview of this democratic experience since 1999, with a view to highlighting and x-raying its stability, sustainability and relevance or otherwise. There is no doubt that since then, civilians are visibly seen occupying governmental positions, periodic elections are held, and a constitution is in place to regulate the behaviour of people within the political system and in all matters revolving round democratic rule.

Yet certain questions are begging for answers. Is the country practicing genuine democracy? Are the people enjoying the dividends of democracy? Are the institutions of government responsible and responsive? Is there true separation of powers for the arms of government to act as bulwark against dictatorship and tyranny? As noted earlier, this introductory chapter provides the foundation for other chapters in the book. It encapsulates the general theme of the book, broadens our understanding and sharpens our view on political participation and democratic governance in Nigeria.

The chapter is structured into three sections: Introduction; Contending issues in Nigeria's Democratic Experience since 1999; and Conclusion in that order.

CONTENDING ISSUES IN NIGERIA'S DEMOCRATIC EXPERIENCE SINCE 1999

The struggle of Nigerians, especially the pro-democracy groups, to put an end to military rule was with the high hope and expectation that democracy would engender good governance and socio-economic development but this is far from the reality. Iheancho (2013) supports this view. According to him, "it is a sad commentary that the return of democratic governance in Nigeria has not yielded expected results" (ibid).

Indeed, the facts show that democracy has not really taken a firm

root. It has neither enthroned nor promoted good governance in the country. The nation's democracy since 1999 has been frustrated mostly by what can be referred to as 'the Nigerian factor,' consisting in pervasive corruption, abject poverty, political assassination, godfatherism, militancy and terrorism, ethno-religious conflicts, incurable youth unemployment, electoral malpractices, thuggery, unhealthy party politics, among others. These issues shall be addressed in this section.

ELECTORAL, PARTY AND OPPOSITION POLITICS:

Attahiru Jega, the Chairman of Independent National Electoral Commission (INEC), observes that elections in Nigeria are riddled by conflict and contestation between contending forces while political campaigns are often marred by pettiness, intolerance and violence. Election results are often disputed (Jega, as cited Iheancho, 2013). Regulation on campaign spending appears weak and ineffective. As such slush money is used during election, and, in most cases; the highest bidders always win in electoral contests from party primary elections to general elections. Voters are induced by money and material things to influence their choice in any election.

Since 1999, the formation of political parties has not been based on any known political ideology. Apart from this, the political parties are lacking in principle. They are nothing more than just instruments of transferring power from the military to civilians, because the political parties lack the necessary ingredients for nurturing and sustaining democracy. Consequently, internal democracy in the political parties is very difficult and almost an aberration in the country. In addition, nearly all the political parties are erected on faulty and weak foundations. The memberships in most cases are made of strange bed fellows whose major motive are personal interests at the expense of societal development and service delivery. Owing to this and other egregious factors, instability characterises the parties. They are affected and afflicted with conflicts and crises of unimaginable proportions leading so many founding fathers of political parties like Alliance for Democracy (AD), All Peoples Party (APP), Peoples' Democratic Party (PDP), among others, to keep decamping to other parties, with some returning only to later dump the party again. A typical example of this is

Alhaji Atiku Abubakar, who was elected the Vice President of the Federal Republic of Nigeria in 1999 on the platform of the PDP, but before serving out his second term, he decamped to Action Congress (AC) in 2006 to become its Presidential candidate in the 2007 general elections, and following his defeat at the polls, he returned to the PDP. Not done with political prostitution yet, he along with other staunch members of the party, such as Governor Rabi'u Kwankanso of Kano State, Governor Wammakko of Sokoto State, and Governor Rotimi Ameachi of Rivers State, have since decamped to the newly formed mega political party All Progressive Congress (APC). It is safe to argue that Nigerian politicians are behaving like political chameleons who change their political party effortlessly, to the unrelenting degradation of democratic rule. Aside from this, some political parties often change their identity in anticipation of new elections. In 1999, AD was one of the registered political parties but it changed its name to Action Congress (AC), later metamorphosed into Action Congress of Nigeria (ACN), and today, the party has lost its identity by teaming up with other opposition parties to form the APC. Another party in this category is APP which later changed its identity to All Nigeria People's Party (ANPP), with a splinter group of the party subsequently forming Congress for Progressive Change (CPC).

Another major observation about political parties in the current dispensation is the frequent change in leadership at all levels, but this is more pronounced at the federal. For example, the PDP has been led by twelve chairmen since inception, and none completed his tenure. The incessant leadership changes is a major threat to democratic development, in that whenever a new set of officers is elected/appointed, it is back to square one, as they have to start learning the rope. This frustrates proper planning, promotes mediocrity and engenders instability.

In most cases, political parties expend valuable time on conflict resolution and crisis management. Reconciliation of aggrieved members takes more time than governance. For example, the crisis between President Jonathan and a group of governors known as the G7 so affected governance that the only issue of substance then was how to maintain peace in the party. The cases of former Governor Kayode Fayemi and Hon. M.O.B Bamidele in Ekiti State, Governor Ibikunle Amosun and former Governor Segun Osoba and others in Ogun State are few examples of

such challenges to democratic governance in Nigeria.

A major feature in party politics is the lack of internal democracy in the parties. What is in vogue is imposition of candidates across political parties. Healthy party primaries are an aberration. Where such elections are held, delegates' lists are often manipulated to favour the preferred candidate.

Opposition parties do not provide credible alternatives, as they are always inactive after general elections. They appear weak, incapable of speaking for and protecting the citizens from abuses by the party in power. They cannot provide a strong challenge to the ruling party though, it seems the newly formed mega party, APC, will be an exception to the rule, as it has shown itself to be determined not only to challenge the ruling party but to wrest power from it in the 2015 general elections.

Why are the political parties so weak and unstable? – 1. Political parties, conceptually, are no longer groups of people who share similar ideas, values and views about governance. 2. They are now a mishmash of strange bedfellows brought together by ambition and deft political calculations driven by self-interests. 3. Which political party is most likely to win which election and where is a major factor in the choice of association. 4. Through which party can one most easily achieve one's political ambition is also a significant consideration, which is why one can leave one party today and become the governorship candidate of another tomorrow – the *Mmikos*, the *Bamideles* of Nigerian politics, for example. 5. What is in this party for me and my family is another consideration. These and other relevant factors are worth reflecting upon at this juncture in the discussion, because they act together to produce the tenor, texture and character of party and electoral politics in Nigeria.

LEADERSHIP ISSUES

Leadership succession in the country has assumed the dimension of perpetual circulation of the political elite class, rather than the reproduction of this class. In other words, the small circle players hardly multiply itself; rather, it keeps recycling itself in perpetuity. Unwilling and ill-prepared individuals have been thrown up to assume leadership in the country. For example, General Olusegun Obasanjo was in prison in the build-up to

democratic rule in 1998 and was railroaded into the presidency in 1999 principally by the retired army generals. Also, Alhaji Umar Yar'Adua was not keen in occupying higher office after serving two terms as Kastina State Governor particularly because of his health challenge, yet he was recruited by Chief Obasanjo to become president. The case of Dr. Goodluck Jonathan was not different, as his phenomenal rise in the national power equation is seen more or less as compensation for the minority oil-rich Niger Delta region for its economic contribution to the nation and to pacify the restive youths of the region who had taken to militancy over resource control. This recruitment of people to positions out of their own volition limits the quality of leadership and affects political equality in governance in the multi-ethnic country. The concentration of political power in a few hands induces poverty, in that the privileged few determine and administer the national wealth to their advantage. Most of the time, the public policy initiated is to corner the resources of the country using fronts and proxies for the nefarious activities. The majority of Nigerians are poor, not because they are lazy, but because the few rich manipulate the national economy to the disadvantage of the poor. A classical example is the mismanagement of petroleum and kerosene subsidy. There is limited openness and inclusiveness in the management and conduct of government business.

Leadership succession in the country is often acrimonious and adversarial and characterised by blackmailing, backstabbing and mutual suspicion. This is coupled with intra- elite and inter-class power struggle.

Retired military officers are still dictating the pace and political direction, largely owing to their deep purse and political influence arising from their long stay in power. At the national level, retired military officers like Generals Olusegun Obasanjo, Ibrahim Babangida, Theophilus Danjuma, Aliyu Gusau, David Mark, among others, are in or out of office at the centre of the country's political power grid.

Credible, visionary and dynamic leadership is the hallmark of democratic government, but such is short supply in Nigeria. This stems from the fact that the political leadership are bereft of the required ingredients of leadership such as intellectual sagacity, appropriate vision for societal development, personal integrity, political acumen, administrative competence, genuine mission of unity, solid bona fides, patriotism, the common

touch, selflessness, keen sense of history, and statesmanship. Instead, they promote a culture of impunity, engage in divide-and-rule tactics to keep the people permanently divided along deep fault lines, deliberately promote corruption, induce ethno-religious conflicts and pay lip-service to the issue of development. Their major concern is how to further their obsession with primitive accumulation and position their offspring, family, friends and ethnic group to perpetually have a hold on political power in the country.

Accountable leadership is a *sine qua non* of good governance, because democracy and good governance succeed and thrive in societies where the political leaders (elected or appointed) are accountable to the people in their actions and inactions. This is not the situation in Nigeria, where leaders are inaccessible, accountability is a ruse, and transparency is a mirage. Instead of political leaders to be the servants of the people, they are the masters. This accords with the opinion of Elaigwu (as cited in Iheancho 2013), where he says, “Most representatives in the executive and legislative branches, once elected become masters. They do not believe in accountability. Some elected officials once elected, never visited their constituencies until next election” In spite of the performance failure of the political leaders in the country, Nigerians are mostly unable to reject them at the next poll, as always use their power of incumbency to impose themselves on the people (Iheancho 2013;67).

LEGISLATIVE INERTIA

This is another sour point of the Nigerian governance crisis; it is obvious across all the tiers of government. Chapter V of the 1999 Nigerian Constitution (as amended) makes adequate provisions for the legislature to serve as the bulwark against arbitrariness in governance, to promote good governance and check excesses of those in governmental power, particularly those in the executive arm of government (FRN; 2011: 49-81). Despite its importance to democratic development, the legislative arm across the tiers in Nigeria appears weak, docile, inefficient, ineffective, and incapable of checkmating executive lawlessness. Instead concerning themselves with their constitutionally assigned roles, legislators are preoccupied with the perks of office like fat salaries, allowances (for example, constituency

allowances), threats of impeachment, especially when their pecuniary gains are threatened. While doing these, the business of government suffers. Relevant here is the ease with which the executive takes over legislature, as in Edo State under Comrade Adams Oshiomole, Ekiti State under Ayo Fayose (during his second tenure) and Rivers State under Rotimi Amaechi and Ogun State under Otunba Gbenga Daniel. The situation in Ekiti State is pathetic where the executive perhaps with the aid of police converted a 26-member state assembly into a de facto seven-member chamber approving budget and appointment and impeaching the speaker though others are not better.

Ogundiya (2010) lends credence to this position. To him, the separation of powers provided for in the constitution is a ruse, as the legislative arm is neither free nor autonomous. Legislative assemblies and legislators are tied to the apron string of the executive arm and its officials. In most cases, the passage of bills is within the time frame of the executive, which also dictates how legislature carries out its responsibilities. In some cases, monetary inducement is used to influence the voting behaviour of legislators during plenary meetings. The use of 'Ghana Must Go' (euphemism for bribe) is the rule rather than the exception particularly during confirmation of appointments or impeachment threats, among other circumstances. (Aondona; 2012). Consequently, most Nigerians see legislative arm as a mere rubber stamp of executive wishes, thereby disabling itself from promoting societal development and citizens' freedom, and engender good governance. In some cases, bills are passed with unusual dispatch without public hearing, and oversight functions are seldom done or haphazardly done. Public officials cannot be queried by legislators because of the fear of repercussions. It should be noted that it is not that legislators are timid to assert themselves, but the expected autonomy of this arm is sacrificed on the altar of financial dependency, as it derives all its revenue from the executive arm of government. It is a case of he who pays the piper calling the tune. However, the ongoing constitutional amendment may put an end to this national embarrassment, as the majority of the state legislative assemblies have voted in favour of full financial autonomy for the legislative arm of government.

Nigerian legislators, particularly at the federal level, must be credited for voting against the rumoured third-term agenda of Chief Olusegun

Obasanjo in 2006 - 2007; despite the monetary inducement, harassment and intimidation, they stood firmly in support of constitutionalism and democracy. Also, the federal legislators came to the nation's rescue as they invoked the 'Doctrine of Necessity' to invest the then Vice President, Dr. Goodluck Jonathan, with the power to act for the president when the latter was incapacitated and flown outside the country for several months. The failure of the late President Musa Yar'dua to hand over power to his deputy had snowballed into a constitutional crisis which was averted by the National Assembly's intervention, thereby holding the country together.

JUDICIAL INDEPENDENCE

The challenge of independence for the judiciary is a major issue in the governance crisis in Nigeria. Political leaders in the executive arm of government, particularly the governors, see judiciary as the extension of their offices and therefore find it comfortable to deny the judges and other judicial workers the independence required to function effectively and perform their assigned responsibilities. For example, for political reasons principally instigated by the executive, the courts in Rivers State have been closed down for months, thereby preventing judicial officials carrying out their functions.

The perceived docility of the judiciary is attributed to its financial dependency on the executive. Apart from this, that arm of government is unnecessarily politicised as regards appointments, promotion, and welfare (Ogundiya; 2010). The governor is expected to nominate and recommend judges to the National Judicial Commission (NJC) for appointment into the state judiciary; no matter how brilliant a lawyer may be he cannot nominate himself/herself to the NJC for appointment. The other problem is that even after NJC's clearance, a nominated person cannot assume the position except the governor swears him/her in. This was the case in Ekiti State when Barrister Dele Omotoso was duly nominated and cleared by NJC alongside others while others were sworn in, Governor Kayode Fayemi refused to swear him in for unstated reasons. The assumption of office of Fayemi's successor, Ayo Fayose, altered this, as Barr. Omotoso has since been inaugurated as a judge in the state high court (Ariyibi; 2014)

Owing to the lack of autonomy, the ability of judicial officials to

dispense justice without fear or favour is compromised. Under the current democratic dispensation, so many judicial officers have been sanctioned for compromising judicial integrity and their oath of allegiance. Some of those in this category, particularly whose conducts almost derailed the current democratic rule, include the chief judges of Anambra, Plateau and Ekiti states for the partisan roles they played in the impeachment of the governors of their respective states. Those suspended were Justices Chika Okoli (Anambra), Ya'u Dakwang (Plateau), and both the Chief Judges of Ekiti State, Justice Kayode Bamisile, and the then acting Chief Judge of the state, Justice Jide Aladejana. (National Daily Newspaper August 11, 2014). The two Ekiti justices lost their positions during Fayose's impeachment saga in 2006 in his first rule as governor.

The judiciary must, however, be credited for showing courage in giving landmark judgments in some political cases, particularly in upturning some fathom impeachments of some governors by (in most cases) a handful of members of the state assemblies in questionable circumstances in cahoots with some known godfathers and the federal government. For example, the Supreme Court reinstated purportedly impeached governors like Rasheed Ladoja (Oyo State), Peter Obi (Anambra State), and Joshua Dariye (Plateau State). Also, the courage to relieve most corrupt judges of their position should be commended. The Chief Justice of Nigeria between 16th July, 2012 and 20th November, 2014, Justice Mariam Aloma Muktar deserves special commendation for showing uncommon courage and bravery on this issue.

POLITICAL ASSASSINATION

Since the return of civil rule, political assassination has become the order of the day. To make the matter worse, all such killings are unresolved as culprits are not apprehended for prosecution. The issue is that because power is overvalued owing to so many 'goodies' attached to it, politics has become warfare in the struggle for the control of state power in the country. Political assassination is traceable to clash of interests, aspirations, ambitions and desires. It must be noted that politics is perhaps the most lucrative business in the country; therefore, politicians contest political positions fiercely, immorally and crudely. Most of them often adopt brutal

methods to achieve their ambitions. In an attempt to outsmart one another, some of them resort to killing their competitors.

Olaopa et al (1999) attribute incessant political assassinations in the country to the desire to attain political positions unhindered. Niccolo Machiavelli's philosophy of "the ends justifies the means" is the driving force of these political actors in perpetuating the heinous crime. Such actors simply misinterpret this philosophy by ignoring Machiavelli's restriction on evil action. He justified such actions only if they are geared towards the stabilisation and health of the state. Also, Machiavelli did not rule out morality or call for selfishness in the conduct of state affairs (Olaopa et al, 1999: 160). The situation in Nigeria is worrisome, pitiable and intolerable, as so many lives have been wasted for political reasons since 1999. These include: in 2001, Odunayo Olagbaju (Member Osun State House of Assembly) and Chief Bola Ige (while serving as the country's Attorney General and Minister of Justice,). In 2002, some of the victims were: Barnabas Igwe (Nigeria Bar Association (NBA) Chairman of Anambra State) and wife Abigail,. It is more in 2003 because of the general election that was held during the period. The victims include: Harry Marshall (a top member of ANPP in Rivers State), Rasaki Ibrahim (a strong supporter of Kwara State Governor), Ogbonnaya Uche (strong member of ANPP in Imo State), Anthony Nwudo (an ANPP House of Assembly aspirant in Ebonyi State), among others. In 2004, those felled by the assassin's bullets included: A. K. Dikibo (PDP National Vice Chairman, South-South), Andrew Agom (Member PDP Board of Trustee), Philips Olorunnipa (Kogi State Electoral Commissioner) among others. In 2005, Patrick Origbe, Alabi Olajoku and others were affected. In 2006, politicians like Funso Williams (a gubernatorial aspirant of the PDP in Lagos State), Ayo Daramola (a gubernatorial aspirant of the PDP in Ekiti State), Jesse Arukwu (a gubernatorial aspirant under the PDP in Plateau State), among others, were assassinated by unknown people. Shehu Sani (2007) traced all these killings to the handiwork of politicians, the parties and government to gain political advantage and to settle political score.

The situation has not changed in the country till now, and Nigeria is gradually becoming a human abattoir because of the struggle for power. Yet, elections should be seen as a celebration of choice and politics as

competition among those that can provide effective and dynamic leadership in the country and not who are better killers. The civil rule in the country should have facilitated this, but the reverse is the case.

THE GOVERNORS' FORUM

Part of the ingenuity in Nigerian federalism under the current dispensation is the formation of Governors' Forum. The forum is an association of serving governors regardless, of party affiliation, to promote inter-governmental relations.

The mission of the Nigerian Governors' Forum is: "To provide a platform for collaboration amongst the Executive Governors on matters of public policy; to promote good governance, sharing of good practice and to enhance cooperation at State level and with other arms of government and society" (http://nggovernorsforum.com/page_strip/our-vision-mission/#.VNIAzVex9Es). The forum said it had recorded considerable achievements since inception (for details see http://nggovernorsforum.com/page_strip/achievement/).

At a certain time, this forum was behaving like a union holding the federal government hostage on issues. However, the chairmanship election of the group held on May 24, 2013 exposed disunity and disharmony among these so-called leaders and the depth of the problem of electoral politics in the country. In the election, Rotimi Amaechi of Rivers State polled 19 votes against Jonah Jang of Plateau State with 16 votes. Despite the fact that the election was free, fair and transparent, and Amaechi was declared the winner, the loser and his supporters with alleged backing of the Presidency, refused to accept his victory and went ahead to form a parallel forum with the loser as its chairman. (the president recognized the minority forum and even received them at the seat of the national government, Aso Rock, in Abuja, the federal capital.) This is a clear manifestation of the nature and character of electoral politics in Nigeria and issues revolving around it, particularly in the corridors of power. A former speaker of Lagos State and one-time senator the Federal Republic of Nigeria observed that: 'the NGF has only succeeded in undermining itself. It has cut its nose to spite its face. The governors ridiculed themselves and called to question the sanctity of their exalted office' (Mamora cited

in the *Punch* June 7, 2013)

Mamora sees the post-NGF election wrangling by the governors as a sad commentary on the democratic integrity and leadership credentials of the governors who should be seen as “leaders of our democracy” by virtue of their privileged position (Mamora cited in the *Punch* June 7, 2013). It will be quite impossible for these governors who exposed their leadership deficiencies through the election to be committed to credible elections in their respective states. This may, therefore, explain the do-or-die politics associated with local government elections in virtually all the states in the country. It is fashionable for the governors to ensure ‘total victory’ for all the candidates of their various political parties during such elections. This practice cannot promote democracy and engender development. The conduct and carriage of these governors is a major issue in the current democratic experience in Nigeria.

INSTITUTIONAL FAILURE

Most of the public institutions in the country (both the old and new ones established by various civilian administrations) since 1999 appear weak, passive, inactive and ineffective in serving as the bulwark against human rights abuses, corruption, injustice, and the like. Such public institutions include the following: police, courts, prison, other security agencies, regulatory bodies like, Nigerian Electricity Regulatory Board, and so on. Some of the public institutions are specifically established to fight unethical, corrupt, criminal and other unwholesome practices in Nigeria. These include the Code of Conduct Bureau, Economic and Financial Crime Commission (EFCC), Code of Conduct Tribunal, Independent Corrupt Practices and Related Offences Commission (ICPC), and Public Complaints Commission. One of the major characteristics of these institutions is inefficiency, deriving partly from their inability to act decisively on offenders. One cannot blame these institutions because they, too, are products of the society. The ‘Nigerian factor’ is the major disease that is affecting all sectors of the society. For example, the EFCC, at inception, was a potent tool for fighting corruption in the public service. It secured the conviction of high-profile Nigerians such as the former Inspector-General of Police, Tafa Balogun, and former governor of Bayelsa State,

Chief D.S.P. Alamiégseigha. Despite its impressive outing at inception, the commission became incapacitated like the ones before it; it later became a tool of political vendetta for President Olusegun Obasanjo (Tell, June 13, 2005).

In spite of its constitutional responsibilities to protect lives and property, most Nigerians detest the Nigerian Police because of the attitude of so many of its officers and men. They breach the law, abuse the rights of Nigerians; mount illegal road blocks, collect money shamelessly from motorists, and are incapable of curtailing widespread armed robbery.

MILITANCY AND RESOURCE CONTROL

The enthronement of democratic rule in 1999 led to an upsurge of ethnic militant groups across the country. Under military rule virtually all ethnic groups had one issue or the other with the Nigerian state, but their anger, frustration and alleged marginalisation could not be articulated openly because of the repressive nature of military leaders. An exception is the Oodua Peoples' Congress (OPC), which came into being in the wake of the annulment of the 12 June 1993 presidential election. However, the people heaved a sigh of relief with the return of democratic rule which provided them with the opportunity to bring such issues up. This resulted in the formation of the various ethnic militant groups, to serve as 'ethnic missionaries' to protect the rights and fight against the marginalisation of their respective ethnic groups in the Nigerian federal state. As noted elsewhere, "The ethnic militias came into being because of politics of exclusion practised by the ruling elite... and the elite were in turn manipulating one group against another" (Omotoso, 2007: 96)

The militia groups include: Oodua Peoples' Congress (OPC) representing Yoruba ethnic group, Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) representing the Igbo ethnic group, Arewa Peoples' Congress (APC) championing Hausa/Fulani ethnic group interests, Egbesu Boys of Africa (EBA), Ijaw Youth Council (IYC) and Bakassi Boys (BB) for Ijaw and other Niger Delta ethnic minorities. The rise of these groups was motivated by socio-cultural, economic and political reasons fuelled by a burning desire to strengthen the positions of the respective ethnic groups within the Nigerian political space. The pursuit

of these agenda threatened the Nigerian state and shook its unity as the groups became violent in their activities. For example, there were violent incidents between the OPC and some Hausa over minor issues in places like Sagamu, Mile 12 market in Lagos, among other places. MASSOB, on its own, dared the Nigerian state by hoisting the outlawed Biafran flag and reintroducing its anthem and currency, among other things. The federal government responded appropriately to this affront. IYC, EBA and others in the Niger Delta agitated for resource control (crude oil – the mainstay of the country's economy).

To put effect to this, the youth groups in the region came under the banner of Niger Delta People's Volunteer Force (NDPVF) led by Asari Dokubo with the aim of self-determination and economic emancipation for the region. The group frustrated oil production by resorting to kidnapping and holding hostage foreign nationals working in the various oil companies operating in the region for ransom. The response of the federal government was the deployment of troops to contain the insurrection and act of economic sabotage, but the group persisted in its agitation and violent acts despite this. On assumption of office, the late President Umaru Yar' Adua saw the Niger Delta issue as a sore point in Nigerian federalism, in his attempt to tackle it met with the known leaders of the group and thereafter declared amnesty for all repentant militants. This became the magic wand that brought respite to the troubled zone. The militants were being paid monthly stipends, some were sent abroad for training in various universities and other educational institutions, and the Ministry known as Ministry of Niger Delta Affairs was established and dedicated for the development of the region.

GODFATHERISM

Godfatherism may not be a new phenomenon in Nigerian politics, but it has assumed a dangerous and frightening dimension in the current democratic dispensation. It nearly torpedoed democracy in states like Oyo, Anambra, Enugu, Kwara, and Borno, among others. Godfathers are assuming the role of kingmakers in Nigeria politics, determining who occupy positions and on what terms. They are people of immense political stature, weight and influence in politics – the types the late Ozumba

Mbadiwe would call men of timber, calibre and juggernaut. They may be educated or not but in some cases are rich; thus, they dominate the political space and control the lever of politics.

To be a successful godfather according to John Ayoadé the person must “have political connection, a private security outfit, a reputation for unorthodox (sometimes anti social) behaviour and money or access to money” (Ayoadé; 2006:84). All these are readily available to the godfathers in the states mentioned earlier. Owing to this, they sway electoral victory at will in favour of their godsons and are thus much sought by aspirants. Godfathers constitute a great danger to the nation’s democracy, undermining the electoral process and making a mockery of the security system, as they work assiduously for the victory of the godson by hook or by crook. For the godfather to do this, the godson is bonded and covenanted, and such bonding is sealed spiritually, sometimes at the shrine to ensure the godfather’s control on the godson when in office. The godfather usually “colonises” the godson to the extent of choosing his cabinet members, deciding the award of contracts, and determining how he spends his security vote. However, this became a problem at a point, as nearly all the affected godsons reneged on the agreement. For example in Anambra State, Chris Ngige (godson) ‘betrayed’ his godfather (Chris Uba), and he paid dearly for this, as he was removed at the election tribunal on the strength of the evidence of electoral malpractices provided by the godfather. Also, in Oyo State, Rasheed Ladoja (godson) was dealt with by his godfather (Lamidi Adedibu) who ensured that the godson was impeached by a few members of the state House of Assembly until the Supreme Court upturned the impeachment after eleven months. The situation in Kwara State was not better, as Dr. Olusola Saraki (godfather) denied his godson, Mohammed Lawal a second term as the godfather decamped to another party (the PDP) and enthroned his own son, Dr. Bukola Saraki, as the governor of the state through his new party. The godfather-godson phenomenon is a major challenge to democratic rule because it fosters poor governance under which the people suffer untold deprivations. In most cases, quality time is wasted in resolving crisis, and often there may be wanton destruction of public property as well as loss of lives arising from godfather-godson disagreements as it happened in Anambra and Oyo States.

CORRUPTION

Corruption in Nigeria since 1999 is pervasive and endemic, as it permeates all sectors and tiers of government. It manifests in several ways in the political system: electoral, bureaucratic, social, economic, cultural, and so on. This level of corruption in the country has persistently denuded government's capacity to confront the challenges of poverty and development.

Under military rule, there were scary and alarming revelations of how Nigerians corruptly enriched themselves. With democratic rule, came high expectations that the elected officials would be responsible and responsive to the need of the people and promoting the development of the country, but fifteen years after, such expectations have not been met, principally because of corruption.

Corruption manifested early in the current democratic dispensation through electoral fraud. As noted elsewhere, "so many unqualified personalities were elected into positions... those that assumed positions are labouring under moral burden as their legitimacy are seriously questioned ... litigation against most of the office holders attested to this" (Omotoso; 2008:112). What makes corruption deep rooted is that today's politicians see politics as an investment and not service. Therefore, having invested so much, they are naturally eager to recoup their investment.

The National Assembly was enmeshed in one form of corruption or the other. Some of those that presided over the Senate, such as Dr. Chuba Okadigbo, Aldophus Wabara, and so forth lost the position at various times because of allegations of corruption. This has also been the case with the speakership of House of Representatives in which Salisu Buhari, Gahli Naaba, Patricia Etteh, Dimeji Bankole were accused, separately, of corruption while occupying the position. Some members of the Federal Executive Council were similarly accused of corrupt practices; these include Prof. Fabian Osuji, the late Sunday Afolabi, Prof. Adenike Grange, Stella Oduah and so forth.

Also, most state governors such as the late Adebayo Adefarati, Abubakar Audu, Ayo Fayose (in his first incarnation as governor), Lucky Igbinedion, James Ibori, Gbenga Daniel, Rasheed Ladoja, Adebayo Akala, and Adamu Muazu were as well accused of corrupt practices during their tenure. (Tell December 24, 2001: 30-35 & Tell June 7, 2004: 21-23) . The

situation at the local government level is not better.

Without doubt, corruption has significantly weakened Nigeria's mettle, undermined democracy as well as impeded the socio-economic and political development of the nation, making it the global poster boy of degradation and failed potential. A telling effect of corruption on Nigeria is its inability to fight insurgency even when billions of dollars have been sunk into that cause.

THE BOKO HARAM INSURGENCY AND TERRORISM

As observed earlier, the return to democratic rule in 1999 heralded the upsurge of groups ventilating their pent-up anger against the Nigerian state. For the first time, terrorism became an issue and a major challenge in the country because, as the nation had not since independence seen a group activity as devastating as the current Boko Haram (BH) insurgency. What started as a religious organisation in Borno State seeking to entrench sharia values in its adherents in the north-east has since assumed dangerous and uncontrollable dimensions. Politicians in the area are said to have armed some youths as political thugs to help them win elections, later abandoned them, thereby providing ready recruits when the group emerged. The growth and development of this dreaded insurgent group coordinated by the Yusufiyya Movement founded by a radical Islamic cleric, Mohammed Yusuf, can be traced to the group's determination to take its pound of flesh from those politicians whom its members worked for. Other factors, such as religion, extreme poverty, unemployment, corruption, political exclusion, economic inequality, and lack of good governance, among others, have also been adduced to explain the emergence and growth of the group. The group oppose democratic rule and seek to enthrone a theocratic Islamic state governed by Sharia law.

Founded on the doctrine that Western education is sinful, the group, at first, focused its campaign of wanton destruction on symbols of Westernisation (schools, government offices and the like), then turned on churches, and lately, soft, disaggregated targets (motor parks, markets, sleeping students at night, even mosques, and the like).. In November 2013, the United States of America classified it as a terrorist organisation affiliated with Al-Qaida because of its destructive activities. BH has wrought

serious havoc in the country, carried out anti-state offensives, bombed and destroyed public places such as churches, mosques, markets, motor parks and so forth. It even bombed the United Nations building in Abuja. Its activities have devastated and debilitated the country, with thousands of lives wasted, multi-billion naira investments destroyed, hundreds of school girls kidnapped, many students murdered in cold blood, and hundreds of thousands of people displaced. The insecurity occasioned by the BH insurgency has not allowed people to benefit from the dividends of democracy, as the entire north-eastern region is militarized, to curb BH activities. After more than a year under national emergency rule, the region in early 2015 came under regional peace keeping initiated by the AU, with neighbouring Chad, Niger and Cameroon contributing troops alongside Nigerian soldiers.

CONCLUSION

The introductory chapter is an overview of the challenges of political participation and democratic governance in Nigeria from 1999 to 2014 as encapsulated in this book. The year 1999 marked a watershed in the history of modern Nigeria, in that it ushered in what was expected to be an 'enduring democracy'. Before then, the country had oscillated between civil and military rule, with the latter having the upper hand. Since 1999, however, Nigeria has had uninterrupted democratic governance. This is encouraging in the light of the history of the country. This chapter has thus specifically examined the Nigerian democratic project since 1999 and observed that the democratic institutions put in place during this period have not been well entrenched, as Nigerians have not really enjoyed the well-known dividends of democracy.

Democracy is adjudged the best form of government in the world today because of its defining attributes and the perception of allowing effective citizens' participation in governance, promoting transparency and accountability, and engendering good governance. The chapter submits that these ideals have not been met because of identified challenges confronting governance and democracy in the country since 1999. These include weak government institutions, corruption, impunity, ethnicity, godfatherism, political assassinations, Governors' Forum, electoral, party

and opposition politics, and political violence.

The central thesis of this chapter and by extension the book is that democracy, being the most coveted form of government, its attributes, processes and principles should be universal, such that it will be easy to distinguish a democratic from an undemocratic government. In other words, there must be universal parameters by which to gauge democratic rule across continents and cultures. As such, it will be odd and perhaps dysfunctional for Nigeria to have its own brand of democracy. Nigeria cannot afford to lag behind in promoting the goals of good governance and sustaining democratic rule. To achieve this, emphasis must be on leadership accountability, transparency and probity; this is in addition to strengthening institutions of government for them to act as catalysts for development and serve as the bulwark against corruption and other vices afflicting the nation's democratic rule. There is the need for massive infrastructure development across the country in the areas of roads, electricity, pipe-borne water, and so forth, to enable Nigerians enjoy the benefits inherent in democratic rule.

PART ONE

CONCEPTUAL ISSUES

DEMOCRATIC GOVERNANCE, PUBLIC POLICY PROCESS AND POLITICAL PARTICIPATION IN NIGERIA'S FOURTH REPUBLIC

A. Agagu

INTRODUCTION

Globalization has in the last few decades raised to the global front issues of democracy and good governance. These have been seen as the panacea to the problem of bad governance and authoritarianism that has ravaged most of the developing countries over the years. Such a notion is hinged on the fact that democracy tends to promote transparency, accountability and participatory decision making. The reason for this is not farfetched, as developed democracies have demonstrated these indices of good governance in their public housekeeping. This has also manifested in service delivery, democratic stability and political participation.

Essentially, democratic governance is guided by the constitution of the land. Expressed in a popular but simplistic term, it is the government of the people for the people. Inherent in this is the emergence of a democratic culture which goes beyond the mere existence of democratic institutions and mere pronouncements. The pillars of such a culture include the exercise of power in line with the rule of law, openness in the conduct of government activities, transparency and accountability at all levels and branches of government, separation of powers and independence of each of the arms, as well as respect for fundamental human rights. Effective democratic participation is hinged on the attainment of the various democratic correlates. These are in turn dependent on the existing public

policies which are also tied to good governance. Democratic participation may be more complex in heterogeneous societies where there is no sense of a nation and where leadership is not development-inclined.

This chapter begins with two basic assumptions. One that the prevalence of clientelism and prebendal politics fosters warped political participation as well as undermines public policy and service delivery. Two, that clientelism and prebendalism are nurtured by the nature of state and will always stymie democratic governance.

The objective of the chapter is to examine the factors that undermine good governance within a democratic setting and provide ways to remediate them. The chapter will discuss these issues under the following sub-headings: the problem, conceptual framework, constitution and democratic governance in Nigeria's fourth republic, public policy process and governance, political participation, feasibility of re-inventing politics and the Nigerian state, and concluding notes.

THE PROBLEM

At independence expectation was high about Nigeria's prospect of being a formidable nation and a stable democracy. It was expected that the Westminsterian form of government would flourish and that the country would join the league of democratic nations. In less than six years the hope was dashed. The military took over and all the apparatus and institutions of democracy were uprooted. An attempt by General Gowon to renege on his earlier promise to return the country to democratic government irked the elites, and it culminated in his overthrow. With the systematic way in which the democratization process of 1975-1979 that ushered in the Second Republic was pursued, hopes were again rekindled that the new experiment with the American presidential model of government would provide a sustainable democracy. Again, in just a little over four years, the system was truncated. Worse still, the June 12, 1993 presidential election that was to usher in the Third Republic was annulled and the republic became a stillbirth. That was after General Babangida's almost unending democratization process ended on a sad note.

Between October 1, 1960 and May 28, 1999, nearly all the regimes, democratic and military alike, gave the country little hope but much of

despair as corruption, mismanagement, impoverishment and abuse of power defined their mode of governance. The long years of military rule in Nigeria had a devastating effect on the Nigerian economy. Economic planning was not only haphazard, policies were distorted and implementation processes were undermined (Mudasiru and Adabonwon, 2001). Moreover, corruption, fraud and general mismanagement became the order of the day. All these devastated the economy to the extent that when President Obasanjo took over the leadership of the country in 1999, the country's economy was in a coma (*ibid*).

With the wave of democratic agitation between 1993 and 1999 as well as the global commitment to democratic governance, hope was rekindled again about the Fourth Republic. Leveraging these were the inspiring inaugural address of President Obasanjo during his swearing-in ceremony on May 29, 1999 and his initial moves. While expressing his optimism in the new democratic endeavour, Ali Mazrui averred that the country would not let history down this time around- at least not as badly as before (Mazrui. 2000: 23).

Unfortunately, an X-ray of politics, governance and public policy since 1999 portrays something quite disappointing. In spite of the existence of a constitution which political officeholders have sworn to, and the existence of all possible democratic institutions of government, politics continues to be pursued as a do-or-die affair. Poverty, unemployment and insecurity continue to manifest in the body polity. Nigeria with all its enormous wealth and resources has remained mired in abject poverty as a result of the predatory politics of its leaders.

CONCEPTUAL FRAMEWORK: CLIENTELISM AND PREBENDALISM

In order to grasp the complexity of the Nigeria situation, an appropriate conceptual framework needs to be adopted. Richard Joseph's seminal work on democracy and prebendal politics in Nigeria can be quite illuminating in analyzing democratic governance and public policy in the country. Indeed, his logical explication of the twin concepts of clientelism and prebendal politics elevated to the status of a framework of analysis has recommended them for a work of this nature. Following Joseph (1991: 8),

The task of justifying the use of a new conceptual notion, or the revival of an old one, in the social sciences, should be squarely confronted by a scholar who advances it. In this case, the duty is rendered less daunting by the fact that anyone who understands and speaks perceptively about the struggle for economic and political power in Nigeria can be shown to be talking about prebendal politics.

Today, unlike when Richard Joseph first tinkered with prebendalism as a framework to describe patron-client or neopatrimonialism in Nigeria, it now enjoys greater use and acceptability. While the Catholic encyclopedia defines a prebend as “the right of a member to his share of revenues in a cathedral”, Joseph Richard “used the term to describe the sense of entitlement that many people in Nigeria feel they have to the revenues of the Nigerian state. Elected officials, government workers, members of ethnic and religious groups to which they belong feel they have a right to the share of government revenues (Wikipedia). The major assumption of the theory is that state offices are seen as prebend that can be appropriated by government officeholders who use them to generate material benefits for themselves and their constituents and kin groups. This has resulted in patron-client or identity politics (*ibid*).

Joseph contended that clientelism and prebendalism are two of the fundamental socio-political systems which affect and often determine the allocation of public goods in Nigeria as well as political organization and behaviour in the country. As a means of acquiring basic social and material goods, an individual (who occupies the position of a client) seeks the support and protection of a “godfather” or an “oga” (who occupies the role of a patron). The main resource with which the patron is able to dispense his largesse is derived from the state.

Essentially, both prebendalism and clientelism are mutually reinforcing. This is because:

To obtain and keep clients, one must gain a prebendal office; and to be sure that in the distribution of prebendal office an individual or his kin have a reasonable chance of procuring one, clients must be gathered together to make their collective claims as well as to prove that the aspirant patron (or potential holder of prebendal office) is a person of

consequence whose co-optation would be rewarding to the “political entrepreneurs.” The reintroduction of electoral politics, therefore, revitalizes and promotes clientelistic networks (Joseph, *op cit*).

Clientelism is a strategy of political organization which involves the exchange of goods and services for political support. It is a form of exchange system where voters trade political support for various outputs of the political decision-making process (<http://en.wikipedia.org/wiki/Clientelism>).

Prebendalism is reinforced in Nigeria by networks or clusters of patron-clients in different ethnic settings tied together by the same political parties. This has been described as the creation of a “pyramid” of patron-client clusters which brings into party politics the “transcending through incorporation” of sectional identities. Hence, “the factors of class and ethnicity have become linked together in a mutually reinforcing way by the widespread phenomenon of clientelism” (Joseph, *op cit*). It needs to be pointed out, however, that clientelism may not always be based on ethnicity; though in most cases it is. At times, it may indeed contradict ethnic or religious grounds. What matters, however, is the mutual goal of the patron and clients. Clientelism and prebendal politics create loyalty to the patrons rather than to the country and as such encourages permissiveness to corruption. Prebendalism creates its own rule that is antithetical to public ethics and the rule of law.

The political jingoism and acrobatics that surrounded Obasanjo’s third-term agenda and the call for President Goodluck Jonathan 2015 presidential bid are part of the pervasiveness of patron-client and prebendal politics. Some clients in order to over-impress their patrons often over-act; even sometimes to the level of tomfoolery. The same political behaviour takes place at the state level to demonstrate their unalloyed support for incumbent governors. How does it affect incumbency? This kind of behaviour portends a serious danger for democratic governance. This has sometimes resorted to do-or-die politics or high profile killing or victimization in the country. In addition, “ubiquitous patronage and corrupt behaviour fuelled by oil money are the root cause of Nigeria’s political and economic sclerosis” (Campbell, 2010: 32).

CONSTITUTION AND GOVERNANCE IN NIGERIA'S FOURTH REPUBLIC

Democracy does not take place without a constitution and governance does not take place in a vacuum. The 1999 Constitution of the Federal Republic of Nigeria is the legal framework guiding the Fourth Republic and the Nigerian state is the political landscape for its operation. One of the fundamental objectives and directive principles of state policy as affirmed by section 14 sub section (1) is that the Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice. Section 14 sub section (2) (c) states unequivocally that participation by the people in their government shall be ensured in accordance with the provisions of the constitution. May 29, 1999 marked a turning point in Nigeria with the inauguration of the new democratic government. Ever since, Nigeria has celebrated the fourteenth anniversary of its return to democratic governance and the operation of its 1999 constitution. The success or otherwise so far can be attributed to how far the political actors have adhered to the letter and spirit of the constitution and how far a democratic culture has emerged.

One major achievement of democracy in the fourth republic is that it has been able to eliminate military brutality and assault on the psyche of the citizens. There has been greater room for freedom of expression, just as there has been an expansion of the democratic space. Moreover, there have been three general elections nationwide for the electorate to choose the country's presidents, state governors and legislators. These have allowed political leaders seeking the mandate of the citizens to make promises that can be seen as social contract.

Unfortunately, what we have experienced in the country is nothing short of political democracy, which is quite devoid of social democracy or democratic governance. Nigerian democracy has ensured political participation in terms of universal suffrage with the eligible voters being allowed to take part in the elections of their leaders or representatives. However, the prevalence of electoral fraud has always undermined the import of such voting exercises. During his inauguration on May 29, 2009, President Umaru Yar'Adua conceded that the election that brought him into power had shortcomings (Adeniyi, 2011). The so-called democracy

has been a cash-and-carry affair, operated basically for the pursuit of the comfort of the political officeholders. This has made the cost of governance abnormally high. Coupled with this is diversion of funds through corruption. A report by *The Economist* magazine of London showed that Nigerian federal legislators with a basic salary of \$189,500 (N30.6m) are the highest paid in the world (<http://www.nairaland.com/1369134/nigerian-lawmakers-highest-paid-globally>). This amount is said to be 52% higher than what Kenyan legislators, who are the second highest paid legislators in the world earn (ibid). This amount does not, however, include the numerous outrageous allowances. Political participation is based on money-induced support for political leaders. What is described as dividends of democracy is nothing short of pittance that perpetuates poverty and the culture of dependence. The vision of former President Obasanjo that good pay for political officeholders would discourage corruption has been proved wrong. The decision to pay fabulous money to the political officeholders has stymied rather than aided contentment and good governance.

The political culture of Nigeria even during the so-called democratic dispensation is authoritarian. It has been noted that authoritarian rule by an institutionalized oligarchy constitutes the main structural obstacle to deepening democratic rule in Nigeria. The argument is expressed in this perspective:

Oligarchic rule in Nigeria is founded on two reinforcing structural factors: total economic dependence on redistribution of petroleum and gas revenues and the centralization of financial and political power in the office of the presidency. Whatever stability is achieved by the redistribution of patronage among the regional interests constraining the national oligarchy, the positive contribution is simultaneously undermined by the resulting political uncertainty, regulatory weaknesses, and economic disorder. Together, this combination of insecurity, petro-dependency, and the need to hold or access the presidency drives members of the oligarchy to fix elections, organize political violence, constantly reshuffle alliances, and avoid institutionalizing stable political parties (ARD, 2006).

With the prevalence of corruption, absence of accountability and

transparency, democracy in Nigeria's Fourth Republic is a major deviation from the norm of democratic governance and is, indeed, its perversion. The governance situation has been worsened by the nature of the Nigerian state and politics, as well as the structure of Nigerian federalism. The nature of politics in Nigeria is not only prebendal but also driven by ascendant power-politics. Democracy is practised in the country without democrats. Political elites in Nigeria have devised their own democratic rule, Such that:

The informal exercise of power by Nigeria's political oligarchy exerts more control over daily life than do formal institutions. The formal and informal powers converge in the office of the president who largely monopolizes oil revenues to reward and cement his patrimonial networks" (ARD, 2006)

Democracy in Nigeria's Fourth Republic is a bundle of contradictions. It has witnessed the replacement of the military cabal with enlarged democratic tyrants. Constitutional provisions, with regard to the duties of the state and its institutions vis-à-vis public policy process and political participation, remain nothing more than mere forsaken idle legal precepts. This is because democracy has been robbed of its powers, defanged and made a soulless political code and unattainable ideological El Dorado. The consequence is that democratic governance which ought to be delightful has turned out to be democratic convulsion and delusion.

PUBLIC POLICY PROCESS AND GOVERNANCE

Public policy can be defined in various ways. It can be seen as "what public administrators implement" which is "a course of action adopted and pursued by government" (Henry, 2007: 283). No doubt, a lot of politics and technicalities go into this. For any course of action to have been adopted, many others would have been rejected. Again, not in all cases are the adopted ones pursued. Even then, not all are sincerely, efficiently and effectively pursued. Implicit here is that there are actions not taken. The perspective adopted in this chapter sees public policy as "the aspect of politics that concerns most people...it reflects the impact of government

on society: that is, its ability to make things better or to make things worse” (Heywood, 2007: 425). It simply consists of the outputs of the political process. As a process, policy has to do with the mechanism with which policies are conceived, adopted, formulated, implemented and evaluated.

Any country needs some core values which can easily be converted into policy aims. More difficult, however, is deciding precisely how to translate the values into actual policy. Since the policy process is a political process, every aspect of it is affected by the ebb and flow of politics in the country. This explains why the debates concerning the changing issues of public policy have been described as the very substance of politics in democratic countries (Magstadt, 2006: 389). Implicit here is that the policies that emerge are the products of the interactions of values and the nature of politics. Election campaigns and the electioneering process always raise the expectations of the citizens, just like the state within constitutional provisions is obliged to provide some services for the good life of the people. It is not surprising, therefore, that people look to the state to solve problems, or take actions on pressing issues. In other words, the state, through the political process, is expected to deliver the demands of the people (Johnston, 2002: 393).

Public policy functions involve many organs and institutions of government and, to some extent, private and non-governmental bodies. The involvement of multinationals and contractors has been high since the renewed era of globalization and governance. On the part of the political executive, its key function is “to direct and control the policy process” by developing “coherent economic and social programmes that meet the needs of more complex and politically sophisticated societies” (Heywood, *op cit*: 360). To accomplish this, it does not only initiate legislative programmes but assists by persuasion or by direction to make the legislative process work (*ibid*). In the same way, the higher bureaucracy, which is the chief source of policy information, provides policy advice. As such, the higher civil servants provide options to the ministers while at the same time examine policy proposals and inform the ministers of the impact of the existing policy on the people as a way of feedback (*ibid*).

The state, in pursuing its public policy function, is expected not only to be effective, but must be efficient because the resources which it controls and utilizes have alternative uses and opportunity costs. However, this

public policy function involves a number of decisions, several actors and institutions, and subsequently emerges through a process. The implication of this is that policy actors must be competent, public-spirited, patriotic and be service-inclined. At the same time, the policy environment must be quite conducive.

There is no gainsaying the fact that prolonged military rule has left indelible marks on policy making in Nigeria. The policy errors of the past regimes have seriously affected the current position of the economy (Mudasiru and Abdabonwon, op cit). This has manifested in a policy process that is more or less based on “top-down directives than on consultation, political debate, and legislation” (Kew and Lewis, 2010: 397). This trend is, however, changing gradually as the legislatures, courts, state governments, as well as civil society groups are mounting pressure on the presidency to negotiate its policies by operating within the constitutional framework. Despite this, policy making still revolves around presidential initiatives which are then filtered through the interests of what Kew and Lewis described as the “Big Men” whose agenda “conflict with those of the president and with each other, and policies are consequently blocked or significantly altered” (*ibid*).

The elements of policy making, namely: agenda formation (including public agenda and formal agenda), decision making about goals and alternative options in solving the issues listed on the agenda, and instrument choice, are subject to the influence of policy communities and policy networks as well as the overall policy environment in the country.

Bureaucrats at various levels are expected to follow policies, procedures and regulations in order to deliver public services so that they can enjoy public trust. Public policy implementers should understand and be committed to the spirit and philosophy of public service. Public policy implementation is carried out by many organizations including public sector bureaucrats, private-sector actors, contractors, and intergovernmental organizations, among others. Since the policy process is a political process, it is affected by the cantankerous nature of Nigerian politics. It is driven by the issues of clientelism and prebendalism which in turn subjugate democracy and public policy under the shadow of corruption.

The approach adopted for assessing public policy and governance in this work is to analyse its impact on the citizens in two ways. First, it

compares Human Development Index (HDI), level of poverty, level of transparency, and other indicators of development in the country with other countries. Second, it analyses system performance, using the following criteria; transparency and accountability, stability and order, material performance, citizenship, democratic rule, etc.

Relevant insights can be gleaned on public policy performance from the Human Development Index (HDI). This provides a comparative measure of life expectancy, literacy, education, standards of living as well as quality of life for countries across the world. It is seen as a standard means of measuring well-being, especially child welfare. In particular, it measures the impact of economic policies on the quality of life (Wikipedia). The Nigerian HDI is ranked among the low human development category. The value for 2012 is 0.471 which places it as 153 out of 187 countries and territories. Over the years, the country's HDI value increased from 0.434 to 0.471 between 2005 and 2012. This constitutes an increase of 9 percent or an average annual increase of about 1.2 percent. When compared with other countries of the world, Nigeria falls within the 6 lowest HDIs among members of the Organization of Petroleum Exporting Countries (OPEC). Within Africa, Nigeria does not fall within the 10 highest HDIs. Nigeria's HDI falls below that of Ghana (0.558), Cameroon (0.495), and Tanzania (0.476). This HDI value for Nigeria is also lower than the sub-Saharan average of 0.475. When compared with the very high development category nations such as Norway (0.955), Australia (0.938), and US (0.937), there is a very wide margin (ibid, UNDP, 2013).

In Nigeria, many people suffer from multiple deprivations as a result of policy failure. Such people are unemployed or are lowly paid, have poor housing and inadequate education, lack access to basic health care, and so on. Failure of rural development policies to stem rural-urban migration has led to the exodus of many poor people to urban centres. This has created an army of unemployed, marginalized and destitute people in the cities. It has also compounded the crime situation in those towns. In the same way, the urban centres have become too congested thereby creating pressure on the inadequate facilities available there.

Corruption manifests in different forms. These include political corruption, bureaucratic corruption, economic corruption, judicial corruption and societal corruption. The effect of corruption on the democratic and

policy processes is myriad. Corruption does not only make policies and programmes ineffective, but also costly. The immorality involved creates a kind of political culture that continues to undermine democracy and good governance. It is antithetical to transparency and accountability. Ordinarily, transparency reinforces accountability. This in turn enhances service delivery and the well-being of the people. Unfortunately, corruption belies all this and public policies turn out to be mere conduit pipes for misappropriating the nation's resources.

It has been argued that since 1999, corruption has become a serious obstacle to national development. This has created a situation whereby many facilities such as water, electricity, basic healthcare, and education are not functioning well (Aderonmu, 2011). Almost three trillion Naira was said to have been misappropriated through the so-called petroleum subsidy. Worse still is that Faruq Lawan the chairman of the House of Representative ad hoc committee investigating it, was also alleged to have collected a sum of \$620,000 dollars (NN80 million) from one of the petroleum marketers' chief executives, Femi Otedola (Mikail, 2012).

Efforts will be made to analyse what constitutes the core values that guide policy making and the philosophy of administration that drives policy implementation in the country.

POLITICAL PARTICIPATION

Man is a political animal whether he wants to get involved or not. As Aristotle puts it, a citizen is more than a denizen; he is ordinarily one who possesses political power; who sits on juries and in the assembly (Aristotle, 2000). It has been observed, "Politics cannot be separated from citizens, and there are several ways in which people may affect their political community either as individuals or as members of a group. Politics is like any other form of socialization" (MaClean and Wood, 2001). Participation in a political unit is a product of the manner in which citizens are socialized. However, it is the political system that explicitly or implicitly allocates values in diverse social settings and at different levels of political participation (ibid). Participation could be merely supportive, or, at the same time, it could be critical. Generally, political participation may involve symbolic, passive, or ritualistic ways such as attending party

meetings and rallies, participating in political polls, mobilizing support, participating in debate, wearing party vests, putting a bumper sticker on cars, or organizing protests (Magstadt, *op cit*).

Political participation in Nigeria is restrictive in many ways. At the level of federating units, the centralizing position and dominant powers of the federal government restrict the participation of the other tiers of government. This produces a superior-subordinate dimension of political participation at that level. The lack of internal democracy among political parties provides another dimension of low participation at another level. Again, political participation is limited as a result of the spate of violence that characterizes the country's democracy. This causes intimidation and self-restraint in many potential participants. There is also the lukewarm attitude and political apathy on the part of many. This can be natural or induced by persistent failure of government to perform well.

Furthermore, there is the type of restriction that is imposed by poverty. Many people who are not sure of their means of livelihood are economically and psychologically banned from political participation. When the factor of poverty does not limit political participation, it propels negative participation as such people are easily induced and enticed by money to carry out the biddings of their patrons against their conscience and normal ethics. Many do not see any sense in voting, since the election can be manipulated against the actual votes of the people. In some cases, electioneering and voting are what may be described as mere tomfoolery.

A state which is associated with the culture of democratic governance usually encourages diverse scope of political participation. It does not only allow for pluralism in form of a multiparty or two-party system in which citizens have options without compulsion, as well as other interest groups that can also influence the government. Such a system must also discourage gender disparity.

THE FEASIBILITY OF RE-INVENTING POLITICS AND THE STATE IN NIGERIA

Democracy in Nigeria since the inauguration of the Fourth Republic has fallen short of expectation. It has not been able to produce the necessary turn-around in policy output. Overcoming the current negative

political and policy challenges requires a new form of attitude and value system altogether. Regrettably, policy ineffectiveness and inefficiency have spanned both democratic and military regimes, just as corruption has straddled the political, bureaucratic and business classes. The fundamental issue goes beyond democracy or politicians. It has its root in the Nigerian state, the Nigerian character and the political and policy environment. In spite of the coercive power of the state and the enormity of the resources it has and can deploy, it remains a dormant institution without the active agency of a government that gives the state direction. The dilemma is how to come about a government that can remould or reformulate the state to serve the people. More problematic is how to raise the leadership that can give direction to government and lead it aright. This is the task before us. This task is made more difficult when elections hardly count as a result of electoral manipulation and the great power that clientelism and prebendalism exert on the system. Both elements of the socio-political system pose serious problems for politics in Nigeria.

The existence of a constitution is a safeguard for good governance but may not be a guarantee. Institutional mechanisms to make it work must be strong. In Nigeria, people manipulate the constitution and the institutional safeguards alike. The judiciary, which should stand out as the ultimate safeguard, is also culpable. As observed by Heywood (2007: 324), constitutions work “only when they are supported by a range of other cultural, political, economic and social conditions. In particular, constitutions must correspond to and be supported by the political culture.” The enormous financial and economic powers that are concentrated at the federal level which are in turn concentrated in the hand of the president is one major source of destabilization of democracy in the country. It turns out that, paradoxically, the constitution that should safeguard democracy is also the architect of its misfortune even though when it might not be intended by the framers of the constitution.

It needs be emphasized that the task of re-inventing the Nigerian state and its politics is still better done under the current democratic framework. The solution lies mainly in deepening democracy and mobilizing the citizens for positive action. Given the oligarchic nature of the Nigerian political system, the task lies with civil society and pressure groups to intensify their mobilization and the enlightenment of the general citizenry

while at the same time mounting pressure on the National Assembly on appropriate legislations. The jumbo salaries and allowances of political officeholders must be challenged. Politics currently has been hijacked by the political officeholders, particularly those at the federal level. The unrelenting efforts of the human rights activists and civil society led to the defeat of the third-term agenda of former President Obasanjo. Such an achievement, though limited, should encourage Nigerians that they can put their destiny in their own hands. Mass protests should accomplish any slight misdemeanour by the political and bureaucratic classes. The state, just like the political, bureaucratic, and economic actors, must be made responsible and accountable. The media also have a major role in this direction.

At present, there are so many issues that deserve attention and pursuance, the level of unemployment, the excruciating state of corruption, injustice, over centralization of power, poverty, insecurity and crime, ignorance and illiteracy, *almajiri* phenomenon, child marriage and so on are already ravaging the country. They need to be addressed urgently. Pressure should be mounted on government to ensure that petroleum subsidy thieves are brought to book and the stolen funds recovered. Some aspects of the country's legal system that need to be reviewed should be pinpointed and addressed. The judiciary should also purge itself of its bad eggs. There is the need for civil society groups to fashion out their agenda with regular congresses. Members should be divided into committees and sub-groups. Mass movements like "Occupy Nigeria", labour unions, civil right groups, intellectuals, community-based organizations and nongovernmental organizations should collaborate and forge international alliances. Efforts should, however, be made to avoid infiltration by government agents and self-serving individuals and groups. This is a trying moment in the annals of democracy and the country. Democracy must work, and Nigeria must not only survive, it must be great and play meaningful role in Africa and worldwide. One major way of reinventing the Nigerian state is by ensuring true federalism. This will reduce the unhealthy pursuit of power at the federal level. The National Assembly members will never take the initiative because they are benefiting from the default. Again, there is the need for workable institutional safeguards to make the state more accountable.

Generally, the state, organs of government and public institutions are primarily created to serve and provide for the well-being of the citizens. The state, as the largest economic actor, is expected to generate the economic resources needed in the country through its macro-economic and micro-economic policies. At the same time, in many countries, especially in Nigeria, the state is the largest consumer of the economic resources. The institutions are expected to reinforce one another in accomplishing public policy and service delivery. The cost of maintaining the institutions are enormous and will not only be a great disservice, but also a colossal loss if they fail in their duties. The cost of running government in Nigeria is too expensive. It is a known fact that the amount for servicing political office-holders is abnormally high. The same also applies to the amount for servicing the higher civil servants. Interest groups should get more interested in budget approval by the legislature.

Unfortunately, in Nigeria, a very large proportion is spent on maintaining these institutions, with little on providing services to the people. Even out of the little left for service provision, a high proportion of it still filters out through corruption and wastage. Once ethics and morality are infused into politics, the purpose of the state will be well defined as that which serves its citizens. Policy actors will be able to play their expected roles, and policies will become meaningful in the country. However, this will only be possible when other members of the policy community such as the attentive public are able to exercise surveillance and control on the sub-government sector.

CONCLUSION

All said and done the feasibility of reinventing politics and the gamut of the Nigerian state requires the vigilance and commitment of all and sundry. The battle for restoration of democracy in 1999 only came after Nigerians took their destiny in their hands. Otherwise, neither General Babangida nor General Abacha would have been ready to relinquish power. The greatest challenge now is how to sustain the hard won democracy. Nigerians have won the battle against the colonialists to obtain independence. They have also won the battle against the military that constituted itself as the internal colonialist. The country is in the third

phase of colonization, this time around, by the political colonialists- the occupiers of democratic positions without democratic ethos. The battle may not also be easy like the two previous ones, but with determination, it will also be won. This is the challenge of the time. All well-meaning Nigerians should be part of this final battle to triumph. All and sundry must be involved in obliterating corruption, depravity, injustice and political and economic greed by the few privileged ones.

LEADERSHIP PERSONALITY AND DEMOCRATIC GOVERNANCE IN NIGERIA: A CASE STUDY OF OLUSEGUN OBASANJO

Steve Itugbu

It is evidently impossible to predict that those in the governmental saddle will always pursue policies that could engender democratic practices. This is even more difficult in the absence of an accurate gauge to ascertain the possibilities of any modernising reforms. Under what basis therefore are the personal motivations of a leader likely to make a difference to democratic governance in this regard? This essay attempts to answer this question with regard to the contemporary democratic developments in Nigeria with particular reference to Olusegun Obasanjo's reign as president of Nigeria. The analysis is within the purview of recent developments in Nigeria and this is broadly depicted on the theoretical underpinnings of Binford's (1983) integral assumptions of both the classical and participatory democratic theory; Michael Bratton's consolidation of a rule-based democracy; Rod Alence's (2004) political responsiveness and accountability; Mathew D. Falls and Heather Nicole Pierce's (2010) mass attitudes of democratic legitimacy and democratic governance; and then Schumpeter's leadership democracy in political theory.

The adopted approach is imperative given that existing paradigms and approaches of Western empirical studies, which although occasionally valuable and universally-centred analysis, the problem appear to make claims to universality that do not apply, especially as they misunderstand the impact of leadership personality on democratic governance in Africa.

The reason why the analysis of Obasanjo's reign though while exhibiting some aspects of this universality will also bring to play some ingenuous perspectives. More specifically, there has also been the unfortunate tendency to confuse these Western paradigms as a universal one-size-fits-all. These hypotheses have underestimated the cultural difference and the peculiar nature of Africa, and in this context, Nigeria.

Thus, this discourse on democratic governance whether implicitly or explicitly reinforces the constancy in the theory that leadership personality particularly whether good or bad emphasises the functionality or non-functionality of democratic governance.

Whilst the notion of democratic leadership personality has featured prominently in the normative and prescriptive portions of empirical works, the concept remains not only a civic exemplar, but is an integral assumption for both classical and participatory democratic theory. The underpinning of this construct as postulated by Binford (1983), is that there is a rational model of voting involving issue-oriented or policy voting. The other key features inherent in this construct are the well-articulated antithesis of the concept, the authoritarian personality. This introduces into the fray the distinctiveness between democratic personality and authoritarian personality. Interestingly, it is the latter that has received more theoretical and empirical interest. Conversely, the democratic personality concept appears amorphous, idealistic and has amounted to little more than a prescriptive version of the good, psychologically healthy citizen in a democratic society.¹

As a rider to the above, it is imperative to acknowledge social science in the degree to which ideas, values and conceptions alter and affect the observation and perception of social phenomena. Thus the development and use of empiricism have largely sharpened the understanding of the democratic personality. There is thus a utility in the theory and method, which has led to the empirical analysis of personality and politics. Useful in this context are the functional bases of attitudes and styles of political reasoning, which are further expanded in a three-part typology. The three categories reveal an array of several personality subtypes that could

¹ Binford, M.B (1983) "The Democratic Political Personality: Functions of attitudes and Styles of Reasoning" in *Political Psychology*, Vol. 4, No. 4 pp. 663-684

facilitate further empirical work on this discourse. This typology is a distant departure from a simplistic conclusion of a link between psychological characteristics and specific political beliefs. In this circumstance, the typology maintains a status quo at the level of the interactions between political ideology and psychological structure.²

A style of reasoning, once an underappreciated aspect of political personality, can be infused into the debate as a sort of moderation on political behaviour even though the different subtypes of democratic personality rely upon different styles of political reasoning. This is amid the broader concept of political personality which reflects the internal psychological attributes and structures that constantly influence the individual in ordering and organising his or her immediate political environment. Next to this subtype is the emergent nature whereby the political actor's personality may have been the outcome of interdependent relations among deep psychological traits, political beliefs, values and attitudes, and the political environment.³

Michael Binford's (1983) functional bases of attitudes throw up three basic relationships that are influenced in varying degrees by attitudes and beliefs. This encompasses, firstly the self-environment, which is cognitive in nature and based on learning the appropriate attitudes and values from one's immediate and distal social contexts. This relationship involves operating within a democratic environment which fosters democratic attitudes among cognitively developed people. In the same manner, living in an authoritarian environment increases the likelihood of authoritarian attitudes being held and expressed. The second type of relationship involves personal characteristics, such as ego strength and social learning skills. This is mediated by attitudes and ideology is the self-others dimensions, which is the instrumental, adjustive, or utilitarian function. This is what has been referred to as the social adjustment function wherein opinions are perceived as "facilitating, disrupting or simply maintaining an individual's relations with other individuals."⁴ Finally, it includes political

² Ibid

³ Ibid

⁴ Ibid

characteristics measured by degree of tolerance and freedom.

This self-self, is intrapersonal and a contrast to the interpersonal. This extrapolates that political attitude is a direct extension or expression of one's psychological characteristics. One's ideology is character-rooted and not directly influenced by environment or context. Within this setting, there are two dimensions: value-expressive and ego-defensive forms, whose ideology is rooted in basic personality features which in turn assure congruence between psychological structures and political attitudes. This ultimately leads to a situation whereby both democratic and authoritarian personalities are less dependent on social or political context. The consequence of this is that all efforts at changing these attitudes may be unsuccessful. This is systematically fashioned after work on cognitive development and moral reasoning, which is predominantly driven by Jean Piaget and Lawrence Kohlberg (1969) both of who presupposed that moral reasoning can be useful in examining the ways in which a person thinks about politics.⁵

Until recently, the actual style of political reasoning was specifically related to democratic personality. This is in spite of Lane's (1973, p. 98) propositions that style of reasoning is a much more fruitful concept to use in studying patterns of political beliefs than common concepts of constraint which are more attitude-based. This is why the most succinct summary of the relationship between ideology and moral reasoning comes from Fishkin et al (1973, p. 118).⁶ Two critical elements can be deduced from Binford's postulations, that is, the authoritarian personality and the style of reasoning. Both could be said to be military-oriented. As a matter of fact these tendencies greatly influenced Obasanjo's style of ordering and organising his immediate environment. This will be expatiated in subsequent paragraphs. Added to these were the size of his ego and the degree of tolerance, which were both zero most of the time. He was so character-rooted that he was not directly influenced by the democratic environment.

President Olusegun Obasanjo was a principal protagonist of the above

⁵ Ibid

⁶ Ibid

summation given the heroic manner of his entry into national politics in 1976. His temperamental nature and apparent dislike for opposing views, and his strength and near fragile personality when under political pressure explains his career path from being a dictatorial leader to his days as a democratically elected president.⁷ Obasanjo is a man of power. He radiated and exercised power with skill and ruthlessness, sometimes unscrupulously but seldom cruelly. He craved it and, at the same time, had a façade of indifference. Power corrupted him, especially his ‘inordinate desire for absolute, unfettered power’ which became the driving force behind his rule.⁸

One of the earliest signs of this conclusion was the pretence of weakness and indecisiveness which he displayed, that was largely connected to the fact that Obasanjo was settling down to democratic governance. The introduction of the Sharia code in certain northern states under the democratic regime headed by Obasanjo in Nigeria was a gross violation of its secular constitution. It is worth noting that, prior to 1999, Nigeria had never had a crisis related to the practice of Sharia, as previous attempts during the Second Republic (1979-83) to introduce a federal Sharia court of appeal were defeated on constitutional grounds. However, in 1999, factors largely attributed to perceived shifts of political power from the northern Muslims to the southern Christians, meant that some northern governors smartly played the divisive religion card in a bid to increase their chances for national office and for re-election. When the crisis surrounding the introduction of Sharia code first arose in Zamfara State north of Nigeria, Obasanjo dismissed it as “political Sharia” that would fade away in the same fashion it had emerged. But in recognising Obasanjo’s unwillingness to enforce the commands of the constitution and protect the rights of all Nigerian citizens be they Muslims or Christians in the affected states, other northern governors soon followed suit and within a relatively short time, Sharia had been introduced in 12 northern

⁷ Steve Itugbu (2011): Obasanjo, Nigeria and the World, *The Round Table: The Commonwealth Journal of International Affairs*, 100:416, 564-568

⁸ Ibid

states.⁹ This was one of only a few ways Obasanjo showed weakness but it was a military strategy that worked for Sharia but has since fizzled away.

As civilian president, Obasanjo worked some abrasive vitality, aiming to transform Nigeria, which he thought, correctly, was many years behind schedule. Time was also spent on containing conflicts arising from the introduction of Sharia laws in the North and ethnic riots everywhere in Nigeria. Obasanjo's response to crisis relating to the introduction of the Sharia code was criticised in the South, but it was the correct decision for his administration not to intervene, for doing so would have dignified those who had politicised Sharia.¹⁰

The West, as a matter of principle, has constantly embraced a number of democracy-enhancing initiatives in Africa. However, the United States has been at the forefront in insisting on good governance and responsible reforms on bellwether nations such as Nigeria, given its avowed democratic credentials and economic clout. The reasons for this are numerous. Firstly, Nigeria practices American-style presidential democracy, and its large population and plurality of ethnic groups is similar in character to the United States. More so, Nigeria and her people can draw important lessons from America's success in reconciling diversity with democracy. It is these parallels that have constantly influenced the United States in adopting a zero-tolerance attitude towards Nigerian-style corruption and lawlessness. The United States in this instance could move to condition further collaboration with the Nigerian government especially on the adoption of greater transparency as well as respect for the rule of law and constitutional processes. Such approaches became sacrosanct when the United States demanded this in 2011 in the larger context of the war on terrorism. The United States and its Organisation for Economic Cooperation and Development (OECD) partners insisted that Nigeria reform its banking system and adopt new banking regulations in such a manner that it would qualify to join the global mechanism to frustrate and

⁹ O. Carl Unegbu, Nigeria: Bellwether of African Democracy in *World Policy Journal*, Vol. 20, No. 1 (Spring, 2003), pp. 41-47

¹⁰ Steve Itugbu (2011): Obasanjo, Nigeria and the World, The Round Table: *The Commonwealth Journal of International Affairs*, 100:416, 564-568

eradicate funding of terrorists and other criminals. The initiative would also have penalties if Nigeria failed to comply. This included curbs on letters of credit and other financial penalties. It was thus not surprising that less than two days before the December 15 compliance deadline, the Nigerian government passed the Economic and Financial Crimes (Establishment) Bill of 2002. Obasanjo in his authoritarian personality garb had pressured the national parliament into abandoning a proposed watered-down version of the law in favour of the version that conformed to international standards as dictated by the OECDs Financial Action Task Force.¹¹

This may also have been connected to the fact that no Nigerian head of state had ever come into office with as much goodwill, at home and abroad, as Obasanjo did in 1999. His election as president of the federal republic of Nigeria came about after he was released from jail, having served time for “participating” in a coup attempt against General Sani Abacha in 1995. Prior to his imprisonment, Obasanjo had ruled Nigeria as military head of state in the 1970s; and had handed over political power to elected civilians in 1979. The perception of Obasanjo in the West, despite his military background, was that of a committed democrat who could reform the country’s economy and lay the basis for political liberalisation. This contrasted with the internal perception of him. In truth, Obasanjo had presided over a few notable and well-publicised economic successes. His team was made up of technocrats who set out to implement an ambitious reform program which helped the U.S. Treasury Department, persuade the Paris Club to forgive some \$18 billion of Nigeria’s foreign debt. Furthermore, prior to this feat, the Economic and Financial Crimes Commission (EFCC) was created in 2003. Its creation signalled that for the first time government officials would be held accountable for their financial wrongdoings.¹²

However, contrasting these successes in the larger context was the fact that Nigeria’s economy under Obasanjo’s stewardship suffered a downturn. Nigeria’s domestic debt estimated at over \$11 billion which was

¹¹ Op cit O. Carl Unegbu

¹² Herskovits, Jean *Foreign Affairs*. Jul/Aug2007, Vol. 86 Issue 4, p115-130. 16p.

left untouched, hampered growth. In addition, from 1999, the Obasanjo government implemented less than 60 per cent of the recurrent budgets and only 75 percent of the capital budgets, the resultant effect of which was what economist Sam Aluko termed a budget crisis. This was as a result of the government's "policy of privatisation, downsizing and retrenchment of civil and public servants, non-payment of pensions, gratuities and domestic debts which continue to accumulate."¹³

This downturn happened in spite of the fact that Nigeria's oil revenues had soared. In Obasanjo's eight-year tenure, Nigeria earned \$223 billion. This was two and a half times the amount earned in the eight years prior to 1999. Interestingly, the gains under Obasanjo translated to nothing due to massive corruption and misuse of oil resources. The EFCC had also estimated that the country had wasted \$400 billion since 1960. But the record under Obasanjo and his governors angered Nigerians mainly for the reason that, despite the country's riches, so many of their lives continued to be so wretched. The reason for this is related to governance and politics. In 1999, perhaps for the reason that Nigeria had suddenly emerged from 15 years of military rule, the key political parties were mainly ad hoc coalitions, with no continuity or unifying programs. The military regimes of the past had reinforced centralisation and the power of the executive whereby party politics was clearly absent. Even with the re-introduction of democracy in 1999, what the military government approved as a new constitution was a new version of that of 1979. This was American in form but loaded with added Nigerian complications. Emerging in this new order was a breed of opportunistic leaders that began entrenching a tradition of patronage, cronyism, and financial mismanagement.¹⁴ These frustrations may have toughened Obasanjo up to such a level that his authoritarian personality was automatically rekindled and pretences of being a democrat ceased.

Obasanjo had an absolute disdain for multiparty systems in African countries. Many years ago he pointed out that in his native Yoruba, the word for "opposition" also means "enemy" and advocated single-party

¹³ Ibid.

¹⁴ Ibid

systems for African countries. Thus as president, there were no distinctions between party and government, leading to the flouting of the constitution. Despite Obasanjo's tightening of his grip on power, Nigerians remained insistent on a return to democracy. In the elections of 2003, an opposition party won the governorship of Kano state in the north of Nigeria largely as a result of the people's insistence and determination to oversee and guard their votes. This progressed further when on May 16, 2006 ordinary Nigerians demanded accountability from their representatives in the National Assembly. On that day, the Senate was asked to vote on a package of 107 constitutional amendments, including a key one that would have allowed Obasanjo to run for office for one, two or three more four-year terms. The speculation at this point was that a single vote for acquiescence could fetch up to \$750,000. Nigerians, especially of the north, had given their representatives an ultimatum: take bribes and allow Obasanjo to run for a third term, and you will not be welcome back home. This worked and the Senate voted against the amendments, thus killing Obasanjo's third term ambition. However, he continued to attempt to consolidate his grip on power.¹⁵

At the December 2006 convention of the People's Democratic Party, Obasanjo manipulated a change in the party's constitution through which he became its life chair, with the authority to control party finances and to superintend all elected PDP officials, including the incoming president (his successor) who was to be elected the following year. This was a way of continuing to exercise his presidential powers at the end of his tenure. Many interpreted this as Obasanjo's Plan B. His Plan A had been dubbed "the Mugabe option" which meant remaining in office by all means possible, including hampering preparations for elections in order to trigger popular unrest and then declaring a state of emergency. In this light, preparations for the 2007 elections became deliberately delayed and the chair of the Independent National Electoral Commission, a professor who was appointed by the president, produced the most complicated voter registration since independence. The Independent National Electoral Commission (INEC) that was starved of funds and, coupled with the fact

¹⁵ Ibid

that Nigeria lacked a reliable electric power supply, its chair decided, in late 2006 that registration and voting itself would be carried out electronically even though the requisite amount of electronic voting special machines had not arrived in Nigeria, and many did not work. Amid these hiccups, the National Assembly eventually barred their use. Interestingly, INEC also allowed 50 political parties to be registered for the election, including many organised by the PDP and the security services. The burst of party registrations was meant to undermine the major opposition groups and confuse voters on Election Day.¹⁶

When the elections could not be stopped, Obasanjo hand-picked a little known Governor of Katsina State, Umaru Musa Yar'Adua from a group of PDP aspirants. This raised certain questions, some of which focussed on why an obscure governor should be the PDP'S candidate and why the president rather than the party's members should be the one to elect the candidate. To Nigerians therefore, Yar'Adua had been "anointed" by one man rather than the majority. The Action Congress unanimously nominated Obasanjo's vice president, Atiku Abubakar as its candidate. In 1999, he had been elected governor of Adamawa State on the PDP ticket before Obasanjo unexpectedly picked him as his running mate. Atiku, was politically pragmatic until Obasanjo's personal vendetta against him became public. He had no other choice than to defect to the Action Congress after suffering victimisation in the PDP. Atiku later claimed that the victimisation came about because he opposed Obasanjo's third term ambition. Obasanjo challenged Atiku's action in court in order to test the constitution on how the vice president remain in office on account of having decamped from the political party on whose platform he was elected as vice president? This immediately threw up many provocative action of the president using official tools. A Senate committee suddenly began investigating financial mismanagement by the Petroleum Technology Development Fund (PTDF). The inquiry revealed extensive financial malpractices given that the president's staff and those of the vice president were all deeply enmeshed in corruption. In early February, the EFCC, the president's 'attack dog' followed up the pressure when it released a

¹⁶ Ibid

list of 135 politicians it deemed too corrupt to run for office and Atiku was at the top. While the inquiries and the accusations continued, Atiku fought Obasanjo's efforts to prevent him from running and he grew in stature and popularity as an unlikely defender of democracy. A few days before the election, and after multiple lawsuits and appeals, the Supreme Court held that Atiku could run. Many had canvassed that, as a result of the malfeasance in the PTDF, both Obasanjo and Atiku should be impeached and the Senate President be made to conduct the elections.¹⁷

Managing the process of succession was turbulent. However, this was deliberately made so by Obasanjo, who opened up many battle fronts and left the flanks open for enemies of the administration to infiltrate. He fought many unnecessary battles against political opponents using the Economic and Financial Crimes Commission as a weapon. Furthermore, given the complexity of the political situation in Nigeria where there are no lasting political institutions, power will continue to be personalised by every incumbent.¹⁸

Obasanjo's manipulation of the electoral process in Nigeria had begun when he changed the order of the elections through the 2001 Electoral Bill. This change was a reversal of the order of the elections that brought him to power in 1999. The 1999 elections were held in the following order – local government, state, national assembly and then presidential. Those opposed to Obasanjo saw these changes as a calculated step to create a bandwagoning effect in subsequent elections if his party won the first elections – the presidential elections. The political atmosphere became incredibly tense in 2007 after Obasanjo declared that, for him and the PDP, the 2007 election was 'a do or die affair'. Notwithstanding, Nigerians participated in the polls for all the elections even though the exercise became bogged down by corruption. INEC later awarded the PDP a landslide victory in the elections. This was the case even when the entire international community had concluded that the exercise was characterised by unprecedented rigging, ballot stuffing, falsification of

¹⁷ Ibid

¹⁸ Steve Itugbu (2011): Obasanjo, Nigeria and the World, *The Commonwealth Journal of International Affairs*, 100:416, 564-568

results, intimidation of voters, and direct assaults on people.

While these attempts were tailored to achieve certain ends, it was a well understood fact that elections are globally considered to be meaningfully democratic when they are free, fair, participatory, competitive, legitimate, and administered by a neutral authority. The electoral administration has to be perceived by all to be sufficiently competent in taking specific precautions against fraud and making sure that all candidates receive impartial treatment from the police, military, media and the courts. Within this context, in ascertaining the true state of elections in Nigeria since 1999, consideration has to be on whether it has helped strengthen or retard democratic consolidation. The failings of INEC, the electoral management body in Nigeria could be traced to how it is organised, managed, funded, and motivated to meet expected challenges. These are crucially important in order for INEC to gauge whether they are rooted in society, independent, accountable, and democratic. Other factors include establishing INEC's actual attitude to democracy and the rule of law. This is of essence irrespective of the popular conclusions that the democratic qualities of elections under the Nigeria's Fourth Republic have been poor due mainly to the weakness of core institutions in the governance of the electoral processes. More so, the form and character of the Nigerian state is enveloped in political instability and severe underdevelopment and this has deepened the crisis of electoral governance. The development in Nigeria is in contrast to Michael Bratton's observation that: "the consolidation of democracy involves the widespread acceptance of rules to guarantee political participation and political competition. Elections – which empower ordinary citizens to choose among candidates for top political offices – clearly promote rules."¹⁹

It is worthy of note therefore that elections are not in themselves a guarantee for sustainable democratic transition and consolidation. This is particularly the case as elections can also be used to disguise authoritarian rule. INEC is failing because of three major indicators of a lack of autonomy. The first is its composition of chairman, commissioners and

¹⁹ J. Shola Omotola, Elections and democratic transition in Nigeria under the Fourth Republic in *African Affairs*, 109/437, 535-553, July 2010

resident electoral commissioners, which remains the prerogative of the President. With this in place, INEC will remain susceptible to manipulation by the President and the federal authorities – a fact not helped by a legislature which ought to curtail these seeming manipulations which has been rendered impotent. The second relates to the insecure tenure of the INEC chairman and commissioners. Job security in INEC, as presently constituted, is not the same with Ghana, where its key officials have security of tenure similar to the terms and conditions of service of the Justices of the Court of Appeal and they cannot be removed arbitrarily until they have reached the retirement age of 70. The last concern is that of funding. An independent electoral management body needs a consolidated account, where a specified proportion of federal revenue is allocated under its direct control in such a manner to limit the financial control the executive can exert.²⁰ INEC is impeded by these deficiencies through the deliberate policy of forcing it to be dependent on strongmen leaders in Nigeria. Having the reverse of such an arrangement is considered dangerous and risky for such leaders could lose their grip on power.

In spite of these distractions, Nigeria's potential and the importance of it to the African continent and even to the West was not lost. Since independence in 1960, Nigeria has been internationally significant having participated in virtually every United Nations peacekeeping missions. This importance never diminished even in the days of its worst relations with the West under the military regime of General Sani Abacha. During this time, Nigeria had taken on regional problems, causing the U.S. government to sidestep what many saw as its historic responsibility. Obasanjo even retained this regional role and intervened to reverse military takeovers in tiny states such as Guinea-Bissau and Sao Tome and Principe. However, he achieved little headway with Zimbabwe and Sudan but did provide a refuge for President Charles Taylor of Liberia. This bought time for war-weary Liberia to prepare for elections and put off a new conflict that may have required U.S. intervention. His major role in the transformation of the ineffectual Organisation of African Unity (OAU) was historical. For these actions and others, Obasanjo had unwavering U.S. support

²⁰ Ibid

even in the weeks leading to the 2003 elections, when the U.S. embassy in Abuja issued several warnings against election fraud, during which time the White House and the State Department remained silent. The US officials issued critical statements only after voting had taken place. This was a deviation from the past when Washington openly promoted democracy in Nigeria. Promoting democracy had served its immediate purposes mainly on the need to stabilise Nigeria. This mattered to the United States for Nigeria remained key to stability in West Africa. In addition, the multiplying political uncertainties in the Middle East made Nigeria's oil increasingly vital to Washington. Thus, the fear was that the main casualty of any Nigeria's electoral crisis could be crude oil supplies. These possibilities are evident in the fact that production declined by over 20 per cent because of the Niger-Delta violence.²¹ This concern has strengthened the machinations of strongmen leaders in Nigeria.

Good governance is a term that came into vogue in the 1990s when the World Bank began spearheading its charge. This charge assumed the status of a mantra for donor agencies and donor countries who had begun placing conditions on aid, involving the performance of the recipient nation-states. This drive was aimed at ensuring that all development assistance was used effectively. The G-8 leaders' Summit in Gleneagles, Scotland (from July 7th to 8th, 2005) mainly focused on combating poverty in Africa; and also reiterate the requirements in the G-8 Communiqué. The G-8 communiqué had noted that the whole concept of aid should be dedicated to low income countries that are committed to growth and poverty reduction, to democratic, accountable and transparent government, and sound public financial management. The G-8 leaders had endorsed the earlier report by the G-8 Africa Personal Representatives on the implementation of the Africa Action Plan which states that improving the effectiveness of aid is a vital complement to increasing the volume of resources, -sound policies, strong leadership and capacity to absorb resources. Thus, in the debate over the issues of debt forgiveness and increases in aid, experts, policy makers, and long-time observers always emphasised the need for governance reform and policy prescriptions that

²¹ Herskovits, Jean *Foreign Affairs*. Jul/Aug2007, Vol. 86 Issue 4, p115-130. 16p.

were embedded in transparency, the rule of law and accountability. Also included were the need to improve in governance standards and the creation or re-strengthening of the productive private sector.²²

However, there was no consensus on the criteria for measuring good governance. This was the case given that the term was somewhat ambiguous. Still, there were indeed serious concerns. For instance, the questions:

should economic performance be the sole or a primary measuring rod, or should the term be extended to encompass the governance of political entities, be they central or state governments or even municipalities? What is the political content of good governance? Are liberal, democratic values included as an element of that content, and, if so, how important are they? What kind of participation in decision making is envisaged and by whom? What kind of accountability is required? How universal are or should be the standards used to evaluate good governance?"²³

The concept became further related to democracy, good governance and development after changes occurred internationally and in the region during the early 1990s. These changes actually broadened governance-related concerns which had gone beyond merely strengthening states' technical and administrative capacity in promoting democracy. In addition, the collapse of the old Soviet Union erased the rivalry between the super-power nations which in the past prevented Western governments from linking bilateral aid to democracy. African governments who were greatly in need of financial aid began to move towards more open and competitive political regimes. Moreover, authoritarian governments became threatened by the possibility of collapse from a new but a vociferous civil society. The resulting wave of democratisation reinforced broader approaches to governance. This was because it engendered the more ambitious goals of

²² Ved P. Nanda, The "Good Governance" Concept Revisited in *Annals of the American Academy of Political and Social Science*, Vol. 603, Law, Society, and Democracy: Comparative Perspectives (Jan., 2006), pp. 269-283

²³ Ibid

fostering political responsiveness and accountability.²⁴

The emerging order therefore exerted profound influence on the regional development agenda. This featured prominently in collaborative reports by the World Bank and several African research bodies. Africa's New Partnership for Africa's Development (NEPAD) endorses democracy and good governance as its key features. While this is the case, many still dispute the desirability of democracy and good governance for Africa in theory. Sceptics have therefore questioned whether the two necessarily go together in practice. It is further argued that indiscriminate promotion of multiparty democracy threatened to undermine some of Africa's most promising experiments in effective governance, for example the non-democratic governments of Jerry Rawlings in Ghana. These sceptics have also questioned whether democracy is likely to alter the neopatrimonial governance widely seen as the reason for the failing nature of most African states. But such states' developmental performance can be enhanced through the insulation of policy-making and implementation from arbitrary political interference. Thus, subjecting politicians to greater societal pressures through democratisation is at best missing the point. In fact, the conclusion is that democratisation in Africa has mainly served as a facade of institutional respectability through which deeply rooted patterns of neopatrimonial 'big man' governance remain dominant.²⁵

Given this, it would therefore be possible to say that all fundamental questions relating to the political and institutional bases of good governance in Africa remains unresolved, most notably on "whether, or under what conditions, democracy contributes to 'developmental governance', in forms such as coherent policy formulation, effective public administration, and limited corruption [; and] does democratic contestation enhance African governments' responsiveness and accountability to their populations' needs and interests? Or does it feed temptations for excessively 'politicised' behaviour that damages developmental prospects? Are stronger

²⁴ Rod Alence, Political Institutions and Developmental Governance in Sub-Saharan Africa in *Journal of Modern African Studies*, 42, 2 (2004), pp. 163–187. f2004 Cambridge University Press

²⁵ Ibid

political and institutional restraints on discretionary executive authority the key to eradicating neopatrimonial governance? And, if so, can the restraints imposed within democratic regimes – namely, those grounded in the institutional separation of powers and political pluralism – be the foundation for improved governance in Africa?”²⁶

In this same strain, the strongest temptations for governments to jeopardise their nation’s developmental prospects could be traced to political insecurity. Also, governments faced with imminent threats to their grip on power appear to have shorter time horizons and are more preoccupied with placating the specific groups that are most pivotal to their survival. They are therefore forced to give high priority to the short-term interests of narrow constituencies often at the expense of longer-term social welfare. Such tendencies can lead to damaging consequences. The checks on these temptations are political institutions which force governments to ‘internalise’ the social costs of this opportunistic behaviour. For instance, “institutions of political representation make governments responsive and accountable to broader constituencies through competitive elections, and often restrain governments’ discretionary authority by creating multiple ‘veto players’ whose approval is required for policy changes.”²⁷

From historical accounts, it could be seen that such institutions emerged from hard-fought struggles between governments and their constituents. Inherent in this are the self-enforcing bargains through which governments accept limits on their authority in order to reap the benefits of presiding over secure systems of political and economic rights. Institutionalising limits on governmental authority has been especially difficult in the postcolonial era especially when compared to the colonial era whereby political and fiscal restraints were enforced more authoritatively by the imperial powers. At independence, the domestically self-enforcing substitutes have remained underdeveloped. This is the reason why cases of neopatrimonial governance in Africa have always been linked to political insecurity and weak institutions. This is also the reason why political power and its arbitrary use are direct symptoms of the state’s weakness

²⁶ Ibid

²⁷ Ibid

in a hostile environment. Closely associated with this is the fact that political opportunism ultimately drives policy-making at the expense of developmental objectives. Neopatrimonialism therefore reveals how insecurity and weak institutions lead governments to behave in politically sensible yet economically damaging ways – often defined as dysfunctional governance in Africa.²⁸

Democratisation in Africa has also sparked controversies regarding the impact of political institutions on the quality of governance. The central question has always been “whether, or under what conditions, democracy improves African states’ performance as agents of development. The neopatrimonial governance widely blamed for Africa’s disappointing economic record is symptomatic of wide gaps between governments’ political incentives and the requirements of sustained development. Insecurity tempts governments to cater to the immediate interests of politically threatening groups, and weak institutions fail to improve these incentives’ alignment with the longer-term welfare of broader constituencies. ‘Politicised’ policy-making and public administration take root, leading to economically incoherent policies, ineffective implementation, and widespread corruption.”²⁹

While empirical analysis has shown that democratic institutions could greatly improve developmental governance, evidence has also revealed that in African countries where political contestation meets minimum criteria for democracy, governments’ executive discretion has been subject to meaningful political and institutional restraints. Both democratic contestation and executive restraints improve the quality of governance. The impacts of political institutions on governance are significantly robust, even after controlling for structural factors such as ethnic fractionalisation and national income. The close correlation between democratic contestation and executive restraints has made it practically difficult to establish the differences between their impacts on developmental governance. This is particularly the case when it comes to policy coherence and public service effectiveness. While this is the case, executive restraints are the proximate

²⁸ Ibid

²⁹ Ibid

causes of improved governance. Contestations do indirectly provide a pluralistic political environment which supports institutional restraints on governments' discretionary authority. Thus, executive restraints also discourage politically opportunistic behaviour that undermines policy coherence and implementation.³⁰

In Obasanjo's Nigeria, contestation was 'restricted' to such defining levels that it fell short of the minimum threshold for democracy. Consequently, the regime also failed to establish meaningful restraints on discretionary executive authority. This was encouraged by existing neopatrimonial features, absence of actual democratic ideals and was a weak and fragmented opposition. There was also no judicial independence and Obasanjo flouted presidential term limits when he began the quest for a third term.

As a result of the above developments, it is therefore not surprising that there have been assertions that Nigeria promotes democracy in the rest of the continent but not within it. However, Nigeria's projection of military force as exemplified in its consistent intervention in the continent through ECOMOG, for instance in Liberia, Sierra Leone and elsewhere, is quite remarkable. All Nigeria's involvements have been decisive since the bulk of ECOMOG has been more populated by Nigerian troops and all ECOMOG's force commanders have always been Nigerians. Furthermore, Nigeria's military and financial contribution to peacekeeping operations has consistently dwarfed other ECOWAS states. Additionally, given the size of its contribution, Nigeria has also consistently taken unilateral decisions often brushing aside other diplomatic efforts, thus placing sole emphasis on military actions. Yet, military interventions overseas by Nigeria were drastically reappraised by Obasanjo a few months after his election as president in 1999. This action was a direct result of the human toll and financial cost of its military deployments across Africa. Moreover, intervening abroad had become unpopular in Nigeria due to economic setbacks. This was anticipated by the Nigerian population when Obasanjo finally announced in 1999 that Nigerian troops would leave Sierra Leone within six months. This decision remained in force in spite of a growth

³⁰ Ibid

of spending reviews by the UN on financial and logistical aid that was subsequently offered to Nigeria.

This withdrawal was applauded locally by Nigerians for it reduced opportunities for 'grand' corruption and transnational fraud in the face of a boost in crude oil revenues. This was especially true at this time, as Nigeria's Fourth Republic and its complex federal architecture had increased opportunities for access to office and resources. Thus, the stakes associated with the control of key positions within all spheres of government transformed electoral competition into a fierce and often violent scramble. The inability of government at the centre to guarantee the security of citizens contributed to what became the criminalisation of Nigerian politics. This was characterised by the assassination of prominent politicians and the eventual capture of public institutions by political 'godfathers'. Not helping matters was the fact that by 2006, two thirds of Nigeria's 36 governors were under investigation by the EFCC. Corruption at local government level was worse given the rampant scale which the Executive Chair of the EFCC described as 'gangsterism and organised crime'. This may be the reason why despite Nigeria's eight year transition away from military rule, its domestic governance remained deeply dysfunctional. Nigerian federalism has also shifted to a state of prebendalism which translates into an agitation for a 'share of the national cake.' This has led to the evolvment of rentier approach to politics in the guise of promoting the federal character doctrine.³¹

An underpinning of this discourse is the attitude of the Nigerian people vis-à-vis democratic governance. This raises the questions posed by Falls and Pierce (2010): "Are mass attitudes of democratic legitimacy really instrumental for the stability of democratic governance? Or, conversely, do such attitudes originate in citizens' experience with the prior institutionalisation of democracy? Is there an identifiable causal effect on regime stability when democracy becomes "more acceptable" to the mass public?"³²

³¹ Daniel C. Bach, Nigeria's 'Manifest Destiny' in West Africa: Dominance without Power in *Afrika Spectrum* 42 (2007) 2: 301-321

³² Matthew D. Falls and Heather Nicole Pierce, Changing Mass Attitudes and

In this instance, it may be too early to conclude that attitudes of democratic legitimacy do not affect a country's level of democracy. Furthermore, higher levels of democratic legitimacy do not necessarily predict whether a country's democratic quality has declined within a set time frame. In essence, a change in democratic legitimacy does not have a significant impact on deepening the process. Evidence has however revealed that prior institutionalisation of democracy has had an impact on the formation of mass attitudes, thus suggesting that the causal arrow may run from democracy to the formation of supportive public attitudes. Academic focus on mass attitudes towards democracy is related to a deep-rooted political cultural tradition, dating back to de Tocqueville's (1835/2001) early observations on "democracy in America" and seminal cross-national survey research conducted by Almond and Verba (1963). Analysis of political culture began flourishing recently due to the development of a series of cross-national surveys which measured attitudes toward democracy as well as the uneven development of democracy over recent decades. This is what Diamond (1999, 162) describes as the increasing numbers of hybrid regimes and the growing gap between liberal and electoral democracy that returned analysis of political culture to "a central place in the comparative study of democracy."³³

Interestingly, the non-elite (so-called masses) in Nigeria are weak in response because the groups and interests that constitute this bloc are united in their common exploitation. However, a subjective analysis would reveal that the lack of organisational coherence within and among the excluded popular classes is reflected in the absence of an encompassing political movement with a unifying strategy for the realisation of long-term goals. Because the resentments and cynicism of the popular classes are both intense and inchoate they get hijacked by aspiring political leader who use this as advantage in the intra-elite factional realignment. The immediate fallout of this is that prospects for overcoming underdevelopment and capital domination are greatly limited. Achieving this will largely depend

Democratic Deepening in *Political Research Quarterly*, Vol. 63, No. 1 (Mar., 2010) pp. 174 -187

³³ Ibid

on to what extent the popular classes are capable of influencing a qualitative link between their objective situation and their subjective awareness. The gaps arising from this may have raised the debate on the positives or non-positives on the contention that coercive governance thrives in Nigeria. The public debate surrounding the appropriate governing form for Nigeria may have revived the old Azikiwean notion of a civilian-military diarchy or the advocacy of Sam Egite Oyovbaire, whose role as a member of the now defunct Political Bureau whose push for a cimilcy provided a rationale for a diarchy in Nigeria. His argument suffices that, as a matter of historical fact, Nigeria has been ruled much more peacefully, both in time and quality of social life, by 'coercion' than by 'consensus'.³⁴

Brought to the fore in this discourse is the search for the specific elements of political culture which impacts on democracy. The emphasis has therefore been on the development of mass attitudes of democratic legitimacy. The attitudes of legitimacy can be attributed to Lipset's (1963, 64) conclusion that the existing political institutions are the most appropriate ones for the society. Democratic legitimacy, on the other hand, has become the subset that taps citizens' assessments of the suitability of *democratic* political institutions for their state. Attitudes to democratic legitimacy attitudes can be further broken down into two levels: (1) in principle, representing individuals' acknowledgment of the inherent virtues of democracy, and (2) in practice, tapping their support for democracy as currently experienced in their country. Increased levels of democratic legitimacy could promote two key outcomes. The first, according to Diamond (1999, 169; and also Lipset 1963), revolves around the argument that high aggregate levels of democratic legitimacy prevent regime breakdown and encourage stability. It therefore presupposes that high levels of democratic legitimacy will ensure that mass political dissatisfaction translates into reforms through legislative and electoral channels as against extra constitutional means such as coups and revolutions.³⁵

³⁴ William Graf, Issues and Substance in the Prescription of Liberal-Democratic Forms for Nigeria's Third Republic in *African Affairs*, Vol. 88, No. 350 (Jan., 1989), pp. 91-100

³⁵ Matthew D. Falls and Heather Nicole Pierce, Changing Mass Attitudes and Democratic Deepening in *Political Research Quarterly*, Vol. 63, No. 1 (Mar., 2010) pp. 174 -187

Secondly, are prospects for transitional regimes. Rose and Shin (2001, 349-50), posits that most transitional regimes “are ‘incomplete democracies’ that can either complete the democratisation process to become liberal democracies, repudiate the transition and revert to authoritarianism, or persist in a low-level equilibrium trap”³⁶

The two processes above can be described as democratic “deepening, which reflect the continuous ability of democratic institutions to improve, open up political participation up to a vigorous extent, and finally the enhancement of accountability.”³⁷ This broadly captures the positive benefits often achieved in democratic regimes whereby citizens have generally accepts the fact that democracy was the sole game.

The rights of the citizenry to good governance are imperative and they can only be more assured when there is a strict adherence to good corporate, economic, and political governance on principle. Good governance is imperative because it ensures the efficient utilisation of scarce resources to promote independence. Crucial to this is an emphasis on “the importance of building or rebuilding weak and decaying institutions that currently constrain West African political and economic development.”³⁸

Additionally, it is a known fact that across Africa, there is a conflicting dimension of citizenship, nationality and ethnicity which mainly leads to policy of exclusion, marginalisation and racism. While there is a debate on the source of this variance, there is a claim that the conflicting dimension of citizenship, nationality and ethnicity may simply be part of the creation of society.³⁹

Nigeria’s democracy as it presently stands is shaky, quirky and puerile. Its only major achievements are loopholes for possible revisionists to hijack and instil certain changes especially in two respects on two angles. The first hypothesis states that in Nigeria, democracy has remained the epitome of sterile politics, always matching the expectations of foreign

³⁶ Ibid

³⁷ Ibid

³⁸ Steve Itugbu (2013): Nigeria’s Democratic Insouciance, in *Eurasia Studies Society Journal*, Vol. 2. No. 3. April 2013

³⁹ Ibid

observers whose conclusions about all our electoral processes are unanimous, stating that they are bad tempered, lack of preparation involve rigging and killings, which extinguish every trace of a virtue of a thriving state. The other comes from those within who feel those in the political hierarchy have somehow successfully perverted the electoral authenticity. This valuable suggestion argues that progress can only be attained if a new generation of patriots move to prevent those who have consistently stolen political mandates but also those who have forcibly remained stuck by it. Yet, while political reforms remain pivotal in rehabilitating Nigeria's political mainstream, the citizenry and certain elites do not appear ready to move away from the usual political passivity and shift towards a more enduring and robust participation. Political passivity translates to a history of profound frustration of a nation of 160 million people against a minority group of less than 3,000 elites who have held Nigeria by the jugular from the moment of independence. The question is whether this mass of people are capable of removing the elite minority.⁴⁰

Standing in the way of such a positive attitude to democracy is the problem of the imposition of the leader's will on the people. This relates proportionately to Schumpeter's redefinition of representative democracy as merely a leadership competition, a definition which became canonical in post-war political science. Schumpeter's treatise denied that individual will, common will, or common good are essential to democracy. Democracy to him was only a method, of no intrinsic value, and a sole function to select leaders. Schumpeter argues that leaders impose their views, and are not controlled by voters. Additional arguments by him also suggest that competitive elections are a necessary but not a sufficient condition of democracy; and not sufficient even for the limited empirical purpose of regime classification. In sustaining the argument, Schumpeter sums up that any adequate definition of democracy must make reference to the common will, the common good, and other values. His contestation was a critique of the classical doctrine of democracy whereby people through their common will elect representatives to realise the common good. To Schumpeter, there is usually no will of the people or common good, and

⁴⁰ Ibid

what obtains is autocracy. The argument is that there is no unique or unanimously endorsed common good or will of the people. Individuals cannot be independent as the argument goes that such wills are basically formed by the propaganda of leaders and their parties. Schumpeter therefore proposes what he calls his modern doctrine of democracy which hypothesizes that democracy is only about the competition of leaders for votes; and that voters do not control parliament, which ought to control its leader, but rather the leader manufactures the will of the people and followers accept it. This essentially means that the judgment of a qualified leader is generally superior to that of parliaments and publics.⁴¹

Taking from a different dimension that deals essentially with expectations of leadership, Elaigwu J. I. (1991) characterised five styles of leaders. This characterisation came about after defining leadership as “the ability to decide what is to be done and then go get others to want to do it.”⁴² Thus, it is given that the leaders of any community are usually responsible for establishing clear goals and for organising members of the community to achieve those goals willingly. Borrowing from Ali Mazrui, Elaigwu thereafter identified at least five styles among African leaders: (1) intimidatory leader, (2) patriarchal leader, (3) leader of reconciliation, (4) mobilisational leader, and (5) bureaucratic leader. The intimidatory leader relies mainly on fear and on instruments of coercion to assert his authority, “and he specialises in the use and/or threat of force to extract compliance from his fellow countrymen. The patriarchal leader is basically one who commands neo-filial reverence. The leader of reconciliation relies on qualities of tactical accommodation and capacity to discover a reason for compromise between otherwise antagonistic viewpoints for his effectiveness. He remains in control due to his reliance on compromise. The mobilisational leader relies on ideology as his main drive and added to this is an undercurrent of charismatic qualities that show astute ability to mobilise the populace for particular kinds of social action. The last

⁴¹ Gerry Mackie, Schumpeter's Leadership Democracy in *Political Theory*, Vol. 37, No. 1 (Feb., 2009), pp. 128-153

⁴² Jonas Isawa Elaigwu, Federalism and National Leadership in *Nigeria in Publius*, Vol. 21, No. 4, Federalism in Nigeria: Toward Federal Democracy (Autumn, 1991), pp. 125-144

type, the bureaucratic leader is the low-key type that relies on “efficiency rather than evocation, procedure rather than passion.”⁴³

At this juncture, it is imperative to look into the relationship between national leadership and federalism, especially on how important leadership is to a federal system, what extent does leadership affect a federal system and to what extent does a federal system affect leadership? Other questions include to what extent might constitutional engineering affect leadership values in a federal system? Federalism has helped manage conflict in Nigeria’s heterogeneous polity. While other factors are crucial to the success of federalism, the quality of leadership is important to successful federal governance. However, the nature of Nigerian federalism could be determined by the type of leadership. On this same score, the effectiveness of leadership has also been determined by the nature of Nigerian federalism. There is also the constitutional interpretation of leadership whose potential can affect leadership values in the Nigerian federal system. However, Nigeria’s political setting imposes social limits to politically induced change from the centre. For instance, the national leader of a federal state cannot afford to be an aggressive mobilisational leader who utilises hierarchical authority to penetrate the periphery. This is because federalism presupposes the desire of a people to form a union without necessarily obliterating their own identities, thus signposting the fact that the leader must be a reconciliatory leader, whose recognition of society’s pluralism, mediates, integrates, and coordinates rather than organises and mobilises.⁴⁴

Balewa’s main preoccupation as leader of Nigeria after independence was on how to keep the state together in the context of various threats of secession. He was a reconciliatory leader and as a committed federalist believed in democracy, which he defined as “government by discussion.” Balewa followed this up in reconciling diverse interests and ended up as a victim of Nigeria’s sociopolitical environment in which the imbalance in the federal structure reinforced other fears and suspicions. General Mohammed, though a fiery and unconventional leader who had little

⁴³ Ibid

⁴⁴ Ibid

patience for bureaucratic processes was basically a mobilisational leader. On assumption of office, he shocked the system out of the lethargy that typified much of the Gowon regime. Obasanjo, essentially a bureaucratic leader that emphasised implementation was very sensitive to the Nigerian environment. Though not a reconciliatory leader per se, he was a guardian who mainly aimed at holding the federal system together. Another key leader in Nigeria was General Buhari, a former military head of state who gave the impression that he was a mobilisational leader after the recklessness of the previous civilian regime. His main preoccupations centred on instilling discipline into society by launching a war against indiscipline (WAI). The fact that WAI survived and was incorporated into other programs of the succeeding government, is an illustration of the importance attached to the program.⁴⁵

Obasanjo's high-handedness and disregard for the constitution and the rule of law was more manifest in his civilian presidency. Under his reign, the federal, state, and local governments experienced signs of residual militarism in the actions of political executives. This was not unconnected to the ghost of the military's politics of control. Thus, federal officials treated state and local government officials with overbearing arrogance, likewise state governors with local government chairmen. Relations between President Olusegun Obasanjo and state governors oscillated between hot and cold as the governors constantly protested the president's autocratic style especially in taking actions in flagrant disregard of the federally desirable and constitutionally guaranteed autonomy of state governments as provided in the legislative lists. The flagrant disregard began with the issue of the National Minimum Wage (NMW) when on Labour Day in 2000; President Obasanjo announced a NMW of 5,500 naira for state government and 7,500 naira for the federal government. It was obvious Obasanjo was under pressure from the Nigeria Labour Congress. Prior to the announcement, there was the evident fact that there was no consultation between the president and the governors or the National Assembly. The governors, who became livid on hearing the announcement, reminded the president that the era of centralisation under military rule was over.

⁴⁵ Ibid

While recognising the powers of the federal government to set the minimum wage, they contended that the president could not announce such a wage without due consultations with state governments and without sending a bill to the National Assembly.⁴⁶

For a year Nigeria was gripped by wage crises accompanied with strikes since many state governments could not afford to pay the new wages. The president had announced the NMW in order to court the support of the labour force against a recalcitrant and uncooperative National Assembly. Obasanjo's unilateral actions also goaded him into a number of political controversies with the state governments when in a similar manner his government introduced the Universal Basic Education (UBE) program which aimed to provide free, universal, basic education from primary school to the first three years of secondary school. The program was launched in Sokoto long before a bill was sent to the National Assembly. While state governors complained about a lack of consultation even as they consistently argued that the matter was under the concurrent legislative list. They further argued that because the federal government had to depend on states to implement the program, it was natural that the states be adequately consulted by the president. Making this issue more complicated was the fact that some state governments were controlled by political parties distinct from that at the federal level. This was thus indicative of how each political party has its own program on education. When the governors and the vice-president later met to harmonise areas of disagreement over this program, many grey areas still persisted.⁴⁷

Obasanjo's government also had similar problems in obtaining the cooperation of state governments in the implementation of its Poverty Alleviation Programme (PAP). Just as was the case with the new minimum wage, Obasanjo, who desired the cooperation of states in the implementation of its programs, utterly failed to carry state governments along. It is significant to note that unlike the German Basic Law, Nigeria's 1999 Constitution does not provide for states as implementers of federal laws.

⁴⁶ J. Isawa Elaigwu, Federalism in Nigeria's New Democratic Polity in *Publius*, Vol. 32, No. 2, *The Global Review of Federalism* (Spring, 2002), pp. 73-9

⁴⁷ Ibid

Added to this is the issue of the Nigerian Police Force and the maintenance of law and order. Governors of states whose jurisdictions include large urban centres, which come with high rates of crime, have over time remained helpless in dealing with crime. This is not unconnected to the fact that policing is a federal matter. So even though each governor is the chief law officer of their state, the state commissioners of police often ignored their orders except those orders coming from their Abuja boss. This in turn has led to agitations for a review of the Constitution to enable the creation of a state police force. Though some governors are opposed to the establishment of state police forces due to the heavy financial burden, many have opted for a greater level of decentralisation of the Nigeria police.⁴⁸

Given the continued existence of a very strong central government, many Nigerians have advocated “true federalism”, characterised by a weak central government (confederation). This is evidently connected to the 1995 Report of the Constitutional Conference containing the Resolutions and Recommendations, Volume 11, which recommended “innovation” in Nigerian federalism: “It should be true federalism with clear demarcation of powers and functions among the levels of government. In the exercise of those powers and functions assigned by the Constitution, each level of government should be autonomous.”⁴⁹

However, scholars such as Ranjit Sarkaria have correctly observed that this classical concept of federation which envisages two parallel governments of coordinate jurisdiction, operating in isolation from each other, is not a functional reality. What may have compounded such a quest could have been the emergence of the Social Welfare State. Once seen as a myth, after the First World War, federalism by the middle of the 20th century had come to be understood as dynamic process of cooperation and shared action between two or more levels of government, with increasing interdependence. Now, the old sense of autonomy of component units in a federalism have given way to cooperation, interdependence, and interaction even though a call for a return to a nostalgic classical model

⁴⁸ Ibid

⁴⁹ Ibid

of federalism has intensified recently.⁵⁰

The democratic pressures in the Nigerian federation may be likely to respond to this current centrifugal swing but it is “unlikely that Nigeria will eventually have a federation with a weak centre in the next decade, unless something dramatic happens. In addition, as political leaders imbibe greater democratic values, as democratic institutions get grafted and embellished by the federal grid, and as new cultures of tolerance and cooperation in intergovernmental relations are imbibed, Nigeria may witness a gradual adjustment in its vertical federal structure in favour of more appropriate power-sharing formulae among the levels of government ... centrifugal forces are likely to continue to push for a drastic reduction in the strength of the central government, beginning with the revenue-sharing formula in the federation.”⁵¹

In spite of these shortfalls, Obasanjo continued to receive support as the only African military leader to have voluntarily handed back power to civilian rule. In Hans d’Orville’s view, Obasanjo not only deserves the Nobel Peace Prize but also ranks as ‘the most prominent political prisoner in Africa, if not the entire world’, surpassing even Aung San Suukyi.⁵²

These glowing tributes were smashed when Olusegun Obasanjo, as civilian president, was rebuffed by national legislators in his quest for an unprecedented and unconstitutional third term. This was the case even though he largely succeeded in thwarting the political ambitions of his rivals by imposing his chosen successor – Musa Yar’Adua, –the younger brother of his erstwhile military comrade, General Shehu Yar’Adua. The 2007 elections that brought his chosen successor to power were full of controversies and were widely condemned as fraudulent, violent and stage managed by Olusegun Obasanjo and his ruling People’s Democratic Party. The elections generated widespread anger and fury amongst Nigerians, as well as local and foreign observers. Musa Yar’Adua was sworn in amidst

⁵⁰ Ibid

⁵¹ Ibid

⁵² *Leadership for Africa: In Honor of Olusegun Obasanjo on the Occasion of His 60th Birthday* by Hans d’Orville Review by: Anthony Kirk-Greene in *African Affairs* Vol. 96, No. 384 (Jul., 1997), pp. 447-448

much international and local displeasure. This election, as well as others, was an indicator of Nigeria's crisis of democracy. Democratic consolidation and peaceful elections have evaded Nigeria and this has severe implications for Nigeria's fledgling democracy. Foremost in these implications is the politicisation of sectarian differences, particularly by political leaders who use them as a means to perpetuate their hold on political power. The next implication is the militarisation of the state and political culture, which is as a result of prolonged military rule and its attendant institutionalisation of violence. Interestingly, a significant proportion of the Nigeria ruling class are ex-military men with an infectious penchant for 'barrack culture'. Thirdly, is the privatisation of violence especially the establishment of private and party militias by politicians demonstrating the power of the gun and intimidating political rivals and the public. This produces a multiplier effect of violence as various militias seek to intensify their defences, which means the state is forced to resort to massive firepower to rein in militants. The last of these features is the personalisation of state apparatus by those in power, mainly for personal gain. For illustration purposes, Obasanjo's conversion of the Nigerian anti-graft agencies as a tool for discrediting and marginalising real and potential enemies through trumped-up charges of 'corruption'; the use of state security services to silence political foes; and the use of electoral institutions to prevent select politicians from contesting for power.⁵³

All these anomalies were possible because of the consequences of having an undemocratic constitution. In all liberal political settings, constitutionalism revolves around the twin issues of individual rights and limited powers of government. These issues include the rule of law, separation of powers, elections, independence of the judiciary, and the right to private property, among other important aspects of politics and power. Constitutions should at all times reflect the specificity of particular societies and there are some minimal qualities that are common to all national constitutions especially the contract that defines the nature, structure and use of political power. In the contemporary context of multidisciplinary

⁵³ Nigeria: Contested Elections & Unstable Democracy Author(s): Usman A. Tar and Alfred B. Zack-Williams Source: *Review of African Political Economy*, Vol. 34, No. 113, Imperial, Neo-Liberal Africa? (Sep., 2007), pp. 540-548

interest in constitutions and constitutionalism, the new emphasis is now on democratising the environment in which constitutions are developed, adopted and proclaimed. Essentially, for constitutions to have value and legitimacy, the enabling environment for constitutionalism should precede such proclamations. Revealed in this argument is the fact that beyond merely asserting the sovereignty of the state and setting the basic law as well as defining powers and rights, a constitution should serve as a basis for controlling state power and involving the people in the political process. The constitution should clearly articulate the aspirations of all communities and individuals in society. Constitutionalism should be extended beyond a legalistic interpretation to a process for developing, presenting, adopting and utilising a political compact that defines not only the power relations between political communities and constituencies, but also the rights, duties and obligations of citizens in any society.⁵⁴

The main focus of actual constitutionalism is on many processes: It begins with the process of constitution making and the extent to which it is popular, inclusive, participatory or process-led, and democratic; and secondly it entails “the available openings, institutions and processes of making the constitution a living document by taking it to the people so that they are in a position not just to have access to it, but also to understand it, claim ownership and use it in the defence of the democratic enterprise.”⁵⁵

Constitutionalism thus implies that the constitution cannot be suspended, circumvented or disregarded by political organs of government and can only be amended by appropriate changes in constitutional character which give effect to the will of the people acting in a constitutional manner. Constitutionalism, apart from offering a clear opportunity for mobilising the people in the political process, is a strategy for making the constitution the basis for political interactions and contestations.

Once there is a constitution and constitutionalism, the problem of national cohesion will be eradicated. Yet within this context, Nigeria remains a complicated case. This is because when national integration

⁵⁴ Julius O. Ihonvbere, *How to Make an Undemocratic Constitution: The Nigerian Example in Third World Quarterly*, Vol. 21, No. 2 (Apr., 2000), pp. 343-366

⁵⁵ Ibid

is pitched against the colonial foundation and character of the political economy of Nigeria, there emerges “enormous difficulties and confusion about which elite and mass sections of the community are bridging the gap; in which communities or ethnic groups the territorial tensions and discontinuities are being reduced; which social conditions and class interests are objectively dominant in the relations of production, such that it is the expansion of only those conditions and interests and therefore the obliteration or stunting of others that constitute national integration; and, more fundamentally for the present discussion, in what way is the process of expansion of class interests a subtraction or deviation from, and therefore not congruent with, the process of reduction of cultural and territorial tensions and discontinuities among communal or ethnic groups.”⁵⁶

Concrete elements in answers to these questions are all observably present in the history and functionality of the political system in Nigeria; and this is what the constitutional structures have been designed to cope with. However, the best way to interpret these elements and structures is through the concept of national cohesion rather than national integration. This contention is based on two factors – the definition whereby cohesion is simply the existence of a normative or value basis for a people to demonstrate a tendency or willingness to hold together in order to maintain and foster complementary interests as a community. This insists that unlike national integration, “national cohesion does not presume harmonised or integrated interests, at least as a point of departure for the attainment of higher welfare. Regardless of how in the first place people came or were brought together, national cohesion is simply an acknowledgement of the minimum need to resolve the problems of collective social existence, and progressively to co-ordinate actions in order to achieve some presumed or agreed common goals with an increasing degree of trust and predictability.”⁵⁷

The second is based on the fact that “the theoretical value of the concept of national cohesion is that it opens up a much better basis for

⁵⁶ Sam Egite Oyovbaire, *Structural Change and Political Processes in Nigeria in African Affairs*, Vol. 82, No. 326 (Jan., 1983), pp. 3-28

⁵⁷ Ibid

evaluating the manner in which successive governing classes in Nigeria have come to view and articulate politics and the country's political process. As has been suggested elsewhere, modern Nigerian politics are manifest in the values and structures of capitalism and liberal democracy, and 'padded' by a commitment to some notion of federalism. There are no doubts that the Nigerian leadership has consistently articulated, subscribed to and cultivated that framework of politics and government -from the decades of anti-colonial nationalism through the politics of the First Republic and military rule to the emergence of the Second Republic."⁵⁸

Ideally, in a presidential system of government such as Nigeria where elections of legislative members are independent from the election of the president, the legislature ought to be a powerful agenda setter and decision maker. The legislature in the United States is a prime example in that it has unfettered powers to amend the President's draft annual budget, and also adopt laws relating to budget processes, thus empowering it to be able to reinforce its budgetary control over the executive. This is clearly at variance with what truly obtains in Nigeria where NASS members are more preoccupied with inflating budgets to enhance their chances of obtaining contracts. On the surface, Nigeria's legislature has been a less than useful part of the campaign to re-position a nation on a permanent decline. 'Self' is still foremost in these political calculations. Those ingredients that are inherently factored as key to stabilising the nation are either being jettisoned or completely relegated including the Freedom of Information (FOI) bill, the Immunity clause, arbitrary cross-carpeting by elected officials and the illegality of constituency projects. The reforms and amendments to the constitution would have been radical enough if only NASS had shown the will to include a provision in the constitution for a single term of four years tenure across the board for all holders of political office; pegging nomination fees for all political offices in Nigeria by all parties at a rate commiserate with the national minimum wage; reverting wages of all elected leaders to standardized civil service rates; adoption of the Option A4 Open Ballot System for Nigeria amongst other factors. These wholly illustrate the Weberian characterisation of the failings of

⁵⁸ Ibid

the Nigerian state in its constitutional functions.⁵⁹

Obasanjo was late in realising that what obtained in Nigeria's democracy was a contrast to the American system where conflict between the executive and the legislature was healthy and predictable. His ruling party, the People's Democratic Party, even though it enjoyed a majority in both chambers of NASS lacked coherence, discipline and direction. But the main problem was Obasanjo's determination to dominate, given his military background and long-standing contempt for politicians while the members of NASS had contempt for Obasanjo because of his crude methods. The intrigues and suspicion between the executive and the legislature were intense in the build-up to the 2003 general elections, as an unrelenting NASS commenced impeachment proceedings against Obasanjo. His Vice-President was alleged to have funded the plan to take over from an impeached Obasanjo. The impeachment was a smokescreen meant to provide a platform for negotiating Atiku's retention as running mate to Obasanjo in the election, —and this worked.⁶⁰

The anger by Nigerians has always been directed at the ever-failing leadership, Obasanjo included. This mistrust and contempt in which some of the leaders are held is illustrated by a foremost constitutional lawyer who referred to Obasanjo as a bad dream, a nightmare for the Nigerian people and a disaster for the Rule of Law, democracy and good governance. Wole Soyinka added that Obasanjo is a master of hypocrisy. This may not be unconnected to Obasanjo's ambition for a third term, which blunted all achievements, —especially for a man who had a life of extraordinary activity and achievements that began with the civil war victory lap of honour.⁶¹

It is therefore still surprising that Obasanjo all through his career was able to stay the course, in fulfilment of his avowed commitment to nationalism. Not even his incarceration could alter this conviction. One

⁵⁹ Steve Itugbu (2013): Nigeria's Democratic Insouciance, in *Eurasia Studies Society Journal*, Vol. 2. No. 3. April 2013

⁶⁰ Ibid

⁶¹ Steve Itugbu (2011): Obasanjo, Nigeria and the World, *The Round Table: The Commonwealth Journal of International Affairs*, 100:416, 564-568

vital aspect of his personality is the fact that he is a meticulous planner. This equilibrium was, however, absent during his time as civilian president. This was not inexplicable given the avalanche of loyalty and the certainty of a simple command structure in the military compared with the bureaucratic bottlenecks and unyielding legislature under democracy.⁶² His undoing was his failure to reckon with or to adapt to the changing expectation of the population who had become increasingly educated and sophisticated and had made democratic procedure a priority. In the end, the 2007 general elections lowered his standing given the public outcry and condemnation that greeted his handling of the elections. His statesmanship was affected by this but the statesman in him was fortuitously reignited by Yar'Adua's failure on the international scene.⁶³ Obasanjo was not as irascible as many thought, even though he was proprietarily impulsive in dealing with issues of importance to Nigeria. He was conscious of his actions as a leader, but he played into the trap he had initially wanted to avoid at all costs – the Nigerian factor, which encompasses hypocrisy, sycophancy, betrayal and prevarication. These were the banana skins that revealed Obasanjo's true nature.⁶⁴

⁶² *ibid*

⁶³ *Ibid*

⁶⁴ *Ibid*

THE MEDIA, PUBLIC OPINION AND DEMOCRATIC GOVERNANCE IN NIGERIA

Olaopa Olawale. R & S. T. Akindele

INTRODUCTION

The mass media has been the subject of controversy, especially as it relates to shaping or influencing the opinion of the public as well as fuelling or reducing the tempo of political violence in Nigeria. While some agree that the mass media can make and mar opinions, others feel that the fundamental differences between mass/news media correlate to the basic differences between groups, with each only reading or listening to the news media that suit his/her thinking, (Omolayo and Arowolaju, 1987). Examples of this are newspapers or television stations established by party members and sympathizers. This situation will therefore not help or influence the formation of any new, just or objective opinion, but merely confirm an already formed opinion by reader-member.

In all democracies, the media serve as one of the critical tool for entrenching and consolidating democracy. This stem from the fact that it is through the mass media that those in power seek to influence the political thinking of their subjects and persuade them to see government as legitimately serving the public interest and, therefore, deserving of public support (Onyeoziri, 1982 cited in Ojo, 2008). They are essentially required in the process of political culture development by the citizenry through their various activities via news reporting and interpretation, setting of political agenda, influencing of the opinions of the citizens and socialising them about politics among others. Effective and objective performance

of these functions makes a non-partisan medium and enables it to attract more audience and probably have more influence on objective opinion formation. The ability and willingness of the media to carry out these functions effectively and efficiently depend largely on the nature of state in which they operate and the character of the media itself.

The mass media have attained a spectacular potency in Nigeria since the second republic as evidenced by the intense political content of their programmes which galvanised opinions to boiling point in some states especially during the 1983 elections. This however does not mean that the media have not been used to serve public interest political goal. These goals include dissemination of information to the public, public enlightenment, social criticism, and exposing government arbitrariness, national integration and political education (Ojo, 2008). It is on this note that any discussion of the activities of the media via opinion reinforcement, political violence and democratic consolidation in Nigeria is not a waste.

Given the above therefore, our discussion in this paper shall be divided into six (6) parts. Part one (i) is the introduction, part two (ii) synoptically discusses the media in general, the third (iii) part focuses on the concept of public opinion and its potency for democratic consolidation while the fourth (iv) part details the analyses of the relationship among the media, public opinion, political violence and democratic governance through historical and content analyses of various newspapers in Nigeria. This is with the view to expressing the operational mechanism of the media and its propensity for political violence and democratic consolidation. Part five (v) focuses on the threats and impediments to effective media performance while the sixth (vi) part concludes the discussion by way of suggesting means of making our media responsible, responsive and accountable, to the people and just, fair objective and accurate in their reportage of political events and activities.

THE MASS MEDIA: WHAT ARE THEY AND THEIR ROLES?

The term mass media refers to methods of communicating with large numbers of people. According to Leeds (1987), the term “mass media” denotes popular communication outlets such as television, radio, press, paper backs and posters. However, the phrase “the media,” usually refers

to the sources of our news and information about current events (iCivics, 2012). In popular usage and in terms of political influence, it refers more specifically to television and the press, and to a lesser extent radio, which has an impact on rural and isolated communities (Leeds, 1987). Therefore, paying attention to the media is how we stay informed about what's going on in the world around us and what our government is doing.

In any political arrangement, the mass media provides the main means by which political opinions are formed by people/electorates who do not have any direct involvement in politics through regular contact with politicians or active work in political organisations or parties. For instance, there is evidence that enough voters were swayed by the televised "great debates" between the American presidential candidates, Richard Nixon and John. F. Kennedy, in 1960 to provide the margin that the latter needed to win. The same scenario was experienced in the November 2012 presidential election between President Barack Obama and Mitt Romney in the United States of America. There was a similar case in the June 1993 Nigerian presidential elections, between Alhaji Bashir Tofa and Chief M.K.O. Abiola.

The media serves as gatekeeper. In doing this, they act as a guard at a gate and decide which stories and issues are important enough to receive public attention and which are not. As citizen, there are many serious events and issues that will never be disseminated to them on the news as each news outlet has its own criteria for deciding which stories get through the gate and into the public eye. This is as a result of the multidimensional role of the media as a business outlet and as a biased institution. For instance, most mass media are commercial or for-profit making. As a result, they must make the news as exciting as possible to attract lots of viewers' money by selling time or space to advertisers. As a biased institution, they tend to favour one view over another. This stems from the nature of human being which makes it impossible to be completely unbiased. Given the fact that the media is made up of human beings; therefore, even when they try to be unbiased, they're not always successful (iCivics, 2012). Bias may cause the media to open the gate to some stories instead of others or to report stories in a way that is weighted toward one side. There are many causes of bias. The most common among media sources is being more politically liberal (leaning toward the Democrats) or conservative

(leaning toward the Republicans).

In the above context, politicians rely heavily on mass media propaganda sympathetic towards their ideologies to sell their political viewpoint. This means (i.e. propaganda) has been described by Nadell and Langan (1987) as a systemic effort to influence people's opinion, to win them over to a certain view or ideology. The electronic media, especially radio and television have become highly instrumental in the propaganda process (Adesina, 1997). This is particularly so because of their easy accessibility to people. We are not oblivious of the fact that propaganda is not necessarily bound to conform to what is good or bad, true or false. It (propagandists) simply strives to make their target believe the message being sent (Adesina, 1997). Our contention in this paper is that propaganda as well as news reportage, when left in the hands of unscrupulous people, the society would be in grave danger.

The media, in its role as watchdog keeps watch on the government and others in power. Media and its practitioners are regarded as the "watchdog" watching over the affairs of the society. The people who have the responsibility for programmes that go on air are referred to as "gatekeepers" because they are supposed to man the "gates" of their organisations to ensure that no material that would be injurious to the physical, spiritual, mental, emotional or psychological health of the public go on air (Hulteng, 1997). Some local news stations, particularly in Nigeria, often have a segment in which they investigate problems for people or expose strange things occurring within our environment. For instance, hour-long news shows are devoted to exposés, which are stories designed to expose wrongdoing. Government officials who engage in bad behaviour are aware that they will be on every news show and newspaper in the country if they are caught. This is made possible by the rate of development in technology, especially the information communication technology. Stations such as the National Television Authority (NTA), Cable Network News (CNN), British Broadcasting Corporation (BBC), Aljazeera, Silverbird, AIT broadcast activities directly from the floor of National Assembly and Congress for everyone to see what is happening behind closed doors.

One of the operational theories of mass communication is the social responsibility theory (Hulteng, 1997). This theory states that professional ethics should impose an obligation on mass media practitioners to always

ensure that their duties are performed with every sense of responsibility and accountability to the society. Practitioners should ensure that their works do not throw the society into disarray, cause negative impact and propagate blatant deceit or violence. However, in Nigeria and other polities of the world, (be it developing or developed) with the proliferation of radio and television in these societies and its continual dependence on advertisement, other revenues and their founders, one discovers that the prevalent propaganda and news messages sometimes offer fares that are far from being the accurate, just, fair and truth. This coupled with ethnicity and the unique plural and divided society makes media effectiveness a mirage (Ojo, 2008). The effect of ethnicity as a determining factor in media's objectivity and national perception of their activities supported earlier view expressed by Oyovbaire (nd) that 'with an extremely diverse population of over 500 spoken languages, and well over 250 ethnic groups, some numbering fewer than 10,000 people, public perception of media output is far from being national in outlook'. Thus, consequent on this, society is misinformed and misled and, in the process degenerate into a crisis-ridden situation. This situation becomes worst due to mass media sensational reportage of news and political issues/activities and therefore resulted in lack of trust in the media's news and reports by the people.

Although, the mass media play a major role in the crusade against corruption and defining for people what the important issues are and the terms in which they are discussed (Adesina, 1997). In the process, full coverage may be given not to certain ordinary or peaceful events which some people consider important but only to issues which made good stories or viewing and which are newsworthy due to ethnicity. For instance, the way and manner in which the responsibility of the press in exposing systematic abuses can be eroded as a result of ethnic and religious considerations was put into perspective by Olatunji Dare in his column in a newspaper when he asserted that:

The newspaper that sets out to expose a corrupt public official may find other newspapers vigorously defending the official for no reason other than (that) the embattled official is from the same ethnic group (or religious landscape) as the proprietor or editor of the sympathetic newspaper. Of course, it could well be that the crusading newspaper

(has) picked on its target official in the first instance because the official happens not to be from the same ethnic group (or religious terrain) as the editor or proprietor (Dare, nd as cited in Ojo, 2000b).

The above attitude of the mass media is traceable to its role as agenda-setter. As a result of its role as gatekeeper, the media is largely responsible for deciding what issues society discusses in the public sphere. That means the media also determines which issues are on the public agenda, which is the to-do list of issues the public agrees to be their priority as reported by the media. An issue will not get on the public agenda unless it is being discussed in the public sphere, and it will not be discussed in the public sphere if nobody has heard about it. Thus, the interest of the media in an issue and the way such issue is reported determine how public opinion will be formed on such issue. The nature of the press in the selective reporting of events can be deciphered from the year 2000 Senator Arthur Nzeribe impeachment move against President Olusegun Obasanjo. Instead of the media to play its role as a watchdog, it departed from this by refusing to draw the people's attention to the plausibility or possibility or otherwise of Nzeribe's bill of impeachment offences. The institution, according to Ojo (2008), fell over itself severally not because of the content or veracity of Nzeribe's allegation but the enthusiasm to abuse, discuss, insult and harangue of the Senator. The objective of this, typical of media agenda-setting role, was to hush Nzeribe out of court by calling him all sort of names and drawing attention to his 'devilish antecedents' (Oyovbaire, 2001). The reason for this is to kill the bill mainly because the president (Obasanjo) comes from the Southwest which has the 'commanding heights' of Nigeria's mass media (Ojo, 2008).

The above situation repeated itself in 2001 when the then Minister of Mines and Power, Chief Bola Ige, was accused of illegally lodging a huge sum of money belonging to the National Electric Power Authority (NEPA) in a bank with an interest rate lower than the official rate. In spite of the public outcry that followed the allegation concerning who are the beneficiary of the transaction and the keen interest showed by the then National Assembly, the media failed woefully in their roles as a watchdog to investigate further the allegation and inform the public due to the personality involved. It is on this note that Ekpu (1990) asserted

that 'the monopoly complex of the media includes its historical origins, advantage of market forces, patronage and professional hold of the industry, the cultivation of a deep-rooted mind-set or world-view of the South-western Nigeria'.

In addition, certain events may be presented superficially, being deliberately sharpened up or polarised to attract attention because material that can be couched in terms of conflict or threat makes better "news" than which cannot. An example was the sensational news about rapture and the death of President Olusegun Obasanjo, which were carried by all Nigeria dailies in 1992 and 2002 respectively, the story of forty illegal Indian immigrants referred to in the Daily Mail of 2nd July, 1970 under the headline "40 Indians invade" etc. Similar scenario was witnessed in the current (2013) political upheaval between President Goodluck and Rotimi Amechi, the Rivers State Governor, and between Governor Jang of Plateau state and Rotimi Amechi over the Chairmanship of the Nigeria's Governor Forum (NGF). The media, rather than objectively reporting the causes of this imbroglio are seen to be sensational and partisan in their various reports.

In situations like this, the society may be emotionally carried away and thus be characterised by conflict and violence and if the society is not to degenerate into a chaotic and anarchic state, it is very necessary according to Hyneman (1968) that:

the citizen can participate in political life with some confidence only if he has the materials needed for constructing confident judgements. He must be able to find out what public officials are doing, what the issues are, and where men who seek public office stand on these issues... if people do not have a basis for confident judgements on matters relating to government they have no basis for choosing between candidates for office, and the whole system of competition for political power breaks down. This confidence which could be reliably achieved and built through just, objective, fair and accurate report of political issues by the mass media (emphasis mine).

The above view is corroborated by Adesina, (1997) when he opined that it implies a need for some type of political education for the public.

This, according to her, can be achieved or obtained in diverse ways through parental importation and from formal educational institutions like schools and churches. Thus, mass media have become an important aspect of life and they teach their audience more than one can imagine, so, they can be invaluable means of political education too.

It should be equally noted that the media is totally constrained or partial. This is obvious in some of the old and new democracies where in spite of various constitutional provisions, the media have been hobbled by stringent laws and state control, tight budgets, monopolistic ownership as well as the pecuniary and political interests of media owners, competitive media markets that put a premium on the shallow and sensational and sometimes, the threat of brute force, unethical journalistic practices and the use of media organizations by various vested and sometimes, xenophobic, interests contribute to the media's inability to fulfil some of their responsibilities and democratic function, thus limit the freedom of journalists to conduct exposés (Schiffrin, 2011; Coronel, nd; Djankov, McLeish, Nenova and Shleifer, 2001; CPJ, 2003). In these circumstances, any attempt to function effectively and independently has made the media and its practitioners to be subjected to various hazards including killing as in case of Latin America where 117 journalists were killed (Simon, 1998), alleged beatings of journalists by police in Dhaka, Bangladesh, June 2004 (BMA, 2012), the controversies surrounding the death of Dele Giwa of Nigeria's *Newswatch* in 1988, death of 36 journalists in Philippine since the restoration of democracy in 1986 (Miranda, 2002), the beaten up, threatening and killing of crusading journalists in Thailand and Indonesia (Coronel, nd). In fact, according to Peters (2003 cited in Coronel, nd) worldwide, 15 of the 68 murdered journalists in 2001 were slain because of investigative work related to corruption.

The above notwithstanding, the media have been seen in some cases to be effectively performing some of their responsibilities particularly as the watch dog of the society. The most instructive case, according to Coronel (nd), is that of Latin America, where media exposure, particularly of corruption in high places, has assisted in bringing down the governments of Presidents Fernando Collor de Mello of Brazil in 1992, Carlos Andres Perez of Venezuela in 1993, Abdala Bucaram of Ecuador in 1997 and Alberto Fujimori in 2000 as a result of investigative reporting on their

various complicity in corrupt deals.

Also, in Southeast Asia's new democracies, as argued by Coronel (nd), sustained reporting on malfeasance in public life has resulted in the ouster of corrupt officials and raised public awareness on the need for reform. Besides, in the Philippines, investigative reporting provided evidence that led to impeachment charges being filed against President Joseph Estrada in 2000 and fuelled public outrage against his excesses. Estrada was ousted from office in a popular uprising on the streets of Manila in January 2001. In Thailand, investigative reports unearthed evidence of the shadowy business dealings of Prime Minister Thaksin Shinawatra. In Indonesia, the press has uncovered wrongdoing that led to the filing of charges against high officials, including the powerful speaker of Parliament, Akbar Tanjung, in 2001 (See also, Schiffrin, 2011; BMA, 2012;).

In Africa, Nigeria for instance, some magazines have assisted the country to expose some political office holders' corrupt acts. Example of this was the Speaker of the House of Representatives, Alhaji Salisu Buhari, who was accused of falsifying his age and forged certificates. The News magazine in its exclusive report 'The face of a liar' exposed the lawmaker who later admitted and was eventually convicted in August 3, 1999 (Tell, 2000; The News, 2000). In addition, the media have assisted in exposing another political juggernaut, Senate president Evan Ewerem's questionable past, he was removed and replaced by Chuka Okadigbo. The mass media also discovered the financial recklessness of Okadigbo and through the persistence of the media, a panel of investigation that was set up to investigate him found him guilty and was removed accordingly (Ojo, 2003).

It should be noted also, that opinion building is strongly connected to the process of shaping human society while social communication, social networks and reputation play a key role in this process (Braun, 2012). Thus the role of the mass media in shaping public opinion for sustainable democratic governance and political stability can be deciphered from the propensity of social and mass media to entrench good governance around the world. Social communication through social media is increasing while the way public opinion, as the aggregate of dominant opinions within a society, communicated in public sphere (Braun, 2012), is formed is strongly influenced by these new media. YouTube, Facebook, Twitter

and other social media websites have provided political elites with a new way to disseminate information, mobilize engaged citizens, and increase political participation (LaMarre and Housholder, 2011). It is important to note however that Citizens are using social media to affect politicians by communicating their personal opinions on issues as well as posting and signing petitions which reach politicians (LaMarre and Housholder, 2011).

The power of the news media to set a nation's agenda, to focus public attention on a few key public issues is an immense and well-documented influence (McCombs, nd). This is so in that readers and listeners/viewers always attach greater importance to information acquired about public issues or topics from the news media on the basis of the emphasis placed on them (topics) in the news. Most of these topics are displayed on the Newspapers as lead story on page one, other front page, large headlines, etc. In the Television, the news is read as the opening story on the newscast while length of time devoted to the story determines their importance and weight, etc. In this way, the news media set the agenda for discussing the topics by creating awareness and public attention for the topic around which public opinion is expected to be formed.

The importance of mass media and public opinion in democracy is expressed by Joschka Fischer, Ex Foreign Minister of Germany thus:

Regardless of whether democratization in the "new Middle East" succeeds or authoritarian forms of government prevail once again, one fundamental change has already become clear: no one will be able to govern without taking into account domestic public opinion (<http://www.project-syndicate.org/commentary/fischer66/English>).

The above has been corroborated by events in some countries such as Moldova, The Philippines, Iran, Tunisia, Egypt, Lebanon, Syria, and Libya where (social) media has helped in the formation of opinion which has resulted in serious political upheavals and regime change. This is enhanced by the startling images captured on the scene by civilians which were distributed via Facebook, Twitter, YouTube, and even mainstream media and viewed by people around the world (Safranek, 2012) with the assistance of the development in information and communication technologies. It is important to note that research indicates that citizens who use social

media to engage in politics, are using it in addition to more traditional, established news sources as opposed to using as a replacement (Pew, 2010).

The above synoptic articulation of mass media's contributions to democratic values and consolidation as well as people's political education notwithstanding, their activities have been suspected, at times, to be a serious catalyst of crisis/violence in some of our political systems and its attendant implications on democratic consolidation. This is so in that some opinion makers may at first be apathetic to a cause or an issue, but no sooner they read a tendentious editorial of local newspaper and or comments on social media they form an opinion either in line with or against the opinion of the newspaper and in the process might react either positively or negatively. Some different occasion where newspaper editorial reportage has caused disaffection, crisis and political violence will be examined in the next discussion.

PUBLIC OPINION: ITS POTENCY FOR DEMOCRATIC CONSOLIDATION

The media (print, electronic and social) possess the longest standing association with reporting of political events, topics and issues. These issues are often ambiguous and subject to different interpretations or perspectives. In most cases, political elites suggest issue interpretations or "frames" (Entman, 1993 cited in Matthes, 2010). By frame we mean selective views on issues highlighting some facts over others. News media are involved in this process by engaging in the selection and modification of these frames. Specifically, the media does this by selecting some information and highlighting them to the exclusion of other information in such a way that it shapes and affects the audience's interpretations of such issues (Matthes, 2010). In other words, media coverage provides citizens with the information they need and in the process, dictates and orchestrates public opinion thereby sway easily citizens' opinions from one direction to the other.

Public opinion is the aggregate of individual attitudes or beliefs about certain issues or officials, and it is the foundation of any democracy. It is shaped by different forces including age, religion, gender, race and ethnicity, education level, the social and political environment in which

one grows up and the generation and family into which one is born. Self-interest also affects political attitudes, as do the ideas of opinion leaders such as journalists, political observers, policy makers, and experts.

Generally, the electorate expresses its opinion primarily through voting, the means through by which they hold elected officials accountable for their actions. However, a democratic system should not rely just on elections to ensure that politicians are doing the people's will because elections are not held very often but only give signals and not directions (University of Chicago, nd). For example, electorates can indicate only whether they like one candidate more than the other through their votes; they cannot express the reasons for their vote. Thus, parliamentarians and elected executives who want to stay in power expend considerable energy trying to find out what the public wishes and to respond accordingly (University of Chicago, nd). Because public opinion plays such an important role in forging responsiveness, it is central to understanding Nigerian politics and its accompanying violence.

Although, surveys of public opinion, or polls, are said to be the most reliable indicators of what the public is thinking about a particular issue nowadays, yet polls are not the only sources of public opinion. Other sources of public opinion are the size of rallies and protests, the tone of letters sent to elected officials or newspapers, the amount of money given to particular causes or candidates, the content of newspaper editorials, and information gleaned from day-to-day conversations with average individual or citizens. Our concern in this paper will be on the influence of the content of newspaper editorials. This is against the fact that a democracy is supposed to be a system in which the average person's voice counts in government and the people's preferences drive public policy but yet journalists and others in the news media have an undue influence in shaping public opinion in Nigeria. This has serious implication on the political importance of public opinion.

In the United States of America, for example, the importance of public opinion was put into perspectives by the nation's sixteenth president and the great champion of "government of the people, by the people, and for the people," Abraham Lincoln (1861–65) in his Gettysburg address. According to him, "Our government rests on public opinion. Public sentiment is everything. With public sentiment, nothing can fail, without it, nothing

can succeed” (*Wagner, Gallagher and Finkelman, 2002*). The implication of this statement is that democratic government must be responsive to the will of the people and the hope in a democracy is that each citizen has an equal voice, that those voices, collectively, will be heard by government officials and will guide their actions in that knowing what the public is thinking and having public support are a powerful combination. This view is supported by James Bryce who contended that public opinion is “the greatest source of power” in the United States, more important than the power of presidents, Congress, and political parties (Bryce, 1881 cited in Korzi, 2000).

The power of public opinion and its potency to influence public policy was felt and appreciated by the former USA President, George W. Bush (2001–2009) when, following a contested election in which more than half the electorate had voted against him, he still got the overwhelming support of the Americans following the terrorist attacks on September 11 of 2001 (University of Chicago, nd, *The 9/11 Commission Report*). Bush enjoyed the approval of 90 percent of the public in which no president had ever scored higher—not Ronald Reagan (1981–89), not John F. Kennedy (1961–63), not Franklin Delano Roosevelt (1933–45). Other breakthrough which President Bush had with this unprecedented level of public support include the passage of Patriot Act, which expanded the powers of the federal government in the area of national security, and it approved his call for a new cabinet-level Department of Homeland Security, by the Congress (University of Chicago, nd, *New York Times*, 2013). President Bush also enjoyed approval rating of above 70 percent when he launched the Iraq War in March 2003 before it began to decline in 2004. Other examples that show the power of public opinion include those of Truman and Obama. Harry S. Truman (1945–53) began his presidency with widespread support and left office with approval ratings around 30 percent. During 2009 President Obama started out with high ratings from the public; by the end of the year, his approval rating had sunk below 50 percent (University of Chicago, nd). Like Bush, Obama faced a struggling economy and an unpopular war—in this case in Afghanistan (Geer, Schiller, Segal, and Glencross, 2012)

In Nigeria, public opinion had its way in the determination of autonomy for the local government at the country’s House of Representatives.

On how it worked, the Chairman House of Representatives Committee on Science and Technology, Mr. Abiodun Akinlade claimed that:

This is what our people want; we conducted a People's Public Session all over the federation on November 10, 2012. The result of that session showed that Nigerians voted overwhelmingly for local government autonomy. there were moves to scuttle the decision of the House by some forces, which were against local government autonomy, we had to ignore them because what was uppermost in our minds was the wish of our people. We are happy today that we protected their interest (Akinlade as quoted by Ameh, 2013).

All these cases showed the non-contamination and manipulation of public opinion by the media as they portrayed the real power of the people, true picture and situation on ground in the USA and Nigeria.

Recent literature, according to Qiao (2001 cited in Brendebach, 2005), often ties public opinion and press supervision to the question of democracy and people's political participation. In a similar way, Liu (1999 cited in Brendebach, 2005) argues that the suppression of public opinion by cadres or enterprises is a suppression of democracy, and that the turbulence of the Cultural Revolution was largely the result of a lack of democracy, namely the freedom to express opinions. Yang (2001 cited in Brendebach, 2005), while stressing the function of public opinion sees it as a channel for political participation, and concludes that it is even more important as long as other channels, namely elections, do not exist. It is on this note that Liberal Chinese scholars often point to the positive effect press freedom had in the West to check governments and to promote civil rights in the 1960s (Liu 1999; Yang 2001 as cited in Brendebach, 2005) and endorse the liberal model of the press as a "fourth estate" (Jian et al. 1999; Ma 1998; Yang 2001).

At this juncture, the question which then arises is that: How does the media and public opinion affect democratic consolidation?

THE MEDIA, PUBLIC OPINION, POLITICAL VIOLENCE AND DEMOCRATIC CONSOLIDATION

In a democracy, public opinion is important for many reasons. First, public opinion, and more specifically the attention that politicians and pundits pay to public opinion, supports a democracy because it increases political participation of citizens and decreases the likelihood of an authoritarian state. Second, certain aspects of public opinion take on special importance because they can influence the functioning of democratic government (Erickson et. al, 2011 cited in Berry, 2012). This is done by influencing the decisions political leaders make regarding public policy including the crafting of, voting for and passing of legislation (Berry, 2012). For example, negative public opinion surrounding the recent proposed SOPA (Stop Online Piracy Now) and PIPA (Protect Intellectual Property Act) legislation directly influenced legislative action to withdraw the bill from consideration (Berry, 2012). This was as a result of citizens, en masse protest, on January 18th, 2012, on Twitter and Facebook about the proposed House and Senate bills, SOPA and PIPA that would work to eliminate online piracy abroad. While dropping the action, SOPA's author, Representative Lamar Alexander of Texas statement reflect the power of public opinion and its influence on decision making thus:

I have heard from the critics and I take seriously their concerns regarding proposed legislation to address the problem of online piracy. It is clear that we need to revisit the approach on how best to address the problem of foreign thieves that steal and sell American inventions and products (This, 2012 cited in Berry, 2012).

The Senate also delayed voting on PIPA when several Senate supporters withdrew their prior support (This, 2012). Other recent movements that have used Twitter and other social media sites as a tool to gather and organize supporters include the Occupy Wall Street movement as well as the Arab Spring in several Middle Eastern countries (O'Connor 2012 cited in Berry, 2012).

Historically, in America, public opinion shaped how the Founding Fathers created the earliest system of government. The House of

Representatives was to be elected by the public while the Senate was to be appointed by governors who were assumed to be better educated. The Founding Fathers' intention was to have a republic that tempered public opinion with elite education. They were concerned about the mob rule by the uneducated public who could easily be persuaded by ill-intended elites (Erickson et. al, 2011).

From the above, it clearly shows that for a country to be considered democratic, the views of the public must affect the course of government. For this reason, the public must be sufficiently well informed to be able to make good decisions and to ensure that politicians act in a way consistent with public preferences through fair and objective reporting by the media.

The news media has a very strong power to set the agenda for the public's attention on issues around which public opinion forms. Walter Lippmann in his 1922 classic, *Public Opinion*, strongly stressed the influence of the media on public opinion in its chapter titled "The World Outside and the Pictures in Our Heads." According to him, 'the news media are a primary source of those pictures in our heads about the larger world of public affairs, a world that for most citizens is "out of reach, out of sight, out of mind" (Lippmann, 1922).

This view is supported by McCombs (nd) when he asserted that:

What we know about the world is largely based on what the media decide to tell us. More specifically, the result of this mediated view of the world is that the priorities of the media strongly influence the priorities of the public. Elements prominent on the media agenda become prominent in the public mind.

Perhaps, it could be as a result of the above that McCombs (nd) argued that the agenda of a news organization is found in its pattern of coverage on public issues over some period of time, a week, a month, an entire year. Thus, the news media have a substantial influence on the content of the public agenda, and the phrase "setting the agenda" has become commonplace in discussions of journalism and public opinion (McCombs, nd).

Apart from focusing public attention on a particular topic, the media also influence public understanding and perspective on the topics in the news, the agenda of political parties and their candidates, among other

issues. This they do through their presentation in a way that influences ‘the pictures in our heads and minds’ (Lippmann, 1922 cited in McCombs, nd). Examples of situations where images held by the public of political candidates and other public figures are influenced by the agenda-setting attribute of the news media is found in Spain during the 1996 general election where the descriptions by voters in Navarra of the three major party leaders showed considerable correspondence with the media’s presentation of these men (McCombs, Lopez-Escobar and Llamas, 2010). Similar example have been found in U.S. national elections where matches between the imagery of the news media and the images in the public mind (McComb, nd; Becker and McCombs, 1978).

In an ideal situation, it is important to note that, in a democracy, politicians know the kinds of issues the public will respond to and rebel against, and so they adopt views that will not arouse the electorates’ anger. In particular, they are aware of the underlying opinions and attitudes of the public that are not always captured in public opinion data but are recognized by public officials and influential in policy making. This awareness makes them responsive and accountable. The ability to anticipate public opinion is an invaluable skill, helping officials avoid quagmires and stress issues that hit a responsive chord with the public (University of Chicago, nd). Thus the power of public opinion in a democracy is both direct and indirect, and its effects are revealed in many ways depending on the attitude of the media in portraying the opinion in their reportage. In a situation whereby the media endeavours is about imposition of values and reporting of sensational news without investigative depth rather than a quest to secure inescapable respect for common interest, public opinion seem to be subjective rather than objective. The media will also fuel self-interest and subject itself to self-censorship with selectively applied morality. This normally occurs in situations where they are too patronizing of government instead of striving to beat an incessant drum for common interest that assist in consolidating democracy as a desirable objective.

There is mutual relationship between politics and education (Osi, 1991). Democracy strives better in a well-informed and better educated society at least where majority of individuals have attained a minimum level of education. It is in recognition of this fact that Plato advocated the ideal state governed by Philosopher kings. To corroborate this view,

Thomas Jefferson asserts that:

Education chastens vices and guides virtues, it gives government and grace to a genius and if any man is without the right type of education, he is a splendid slave and reasoning savage (Nwagwu, 1976).

One of the critical conditions which must exist to ensure the survival and meaningful democracy is that there must be free flow of information necessary for exchange of ideas and which must also be ensured and guaranteed by the existence of media organization. This organization must also be free in order to successfully perform their duty as one of the strongest linkage institutions that bridge the gap between the state and the citizens. The importance of education stems from the fact that public opinion is seeing as or became the free flow of intelligent opinions on any matter that is held to be of common interest by people of average intelligence and education in the society (Nwagwu, 1976). It then follows that these opinions when expressed must form the basis of policy making in the society as long as it is objectively reported by the media.

In Nigeria, various programmes have been designed and perfected by media houses for the purpose of providing the needed and necessary information about contestants to the electorates over the years. Some of these programmes are debates among party stalwarts, journalistic interrogation, campaign coverage, political debates, advertising news, stories etc. In some cases, entertainment programmes like musicals and drama are used to carry the participation of the public in the electoral process and to familiarise them with electoral concepts. In this regard, Mass mobilisation for Social and Economic Reform (MAMSER), National Orientation Agency (NOA) among others, did a lot.

In October 1959 in Nigeria, Chief Obafemi Awolowo introduced television, the first TV station in Africa, the Western Nigeria Television (WNTV) to satisfy his desire to reach out to the electorates and since then, the electronic media in particular has been used for political purposes. This is attested to by the fact that every government strives to establish a radio and television station immediately it comes to power. Such organisations are used as mouth-pieces for politicians. During the country's second republic, the *Daily Times*, *New Nigeria* and *National*

concord, (until the withdrawal of its proprietor, Chief M.K.O. Abiola from partisan politics then) were all partisan newspapers in support of the then NPN – ruled Federal Government (Omolayo and Arowolaju, 1987). The Nigeria Television Authority and Radio Nigeria stations functioned in similar capacity.

On the other side of partisanship was an array of Newspapers, propagandising and moulding opinion for the sympathizers of the various political parties they represented then. These seeming partisan newspapers, in the current political dispensation, include the *Nations* (Tinubu/APC), *Tribune* (Awolowo family/CAN/PDP), *The Sun* (Uzo Kalu/PDP), *Daily Mirror* (Jimoh Ibrahim/PDP), *Osun Defender* (APC) and *This Day* (Obaigbonah Nduka/PDP) while *The Punch* (Private organisation) and *Guardian* (Ibru family/Neutral) are adjudged to be somehow balancing their news and reports. They are adjudged to be partisan based on the ideological inclination of their funders/proprietors and the geographical or ethnic location of their offices or founders. Any opinion formed and expressed by these media usually reinforced the predisposed biases of their readers who were members or sympathizers of the party they projected (Omolayo and Arowolaju, 1987). This is particularly so in that they:

- Deliberately distort information which they disseminate to their audience;
- Knowingly exclude some vital pieces of information which are likely to assist the audience to make judgement unfavourable to the interest of the government or leadership they serve;
- May remain simply quiet over some crucial issues where the population is anxiously awaiting or expecting information; and
- Seek to divert the people's attention from very important issues by their minds with just trivialities (Ojo, 2008).

It was on this ground that their reliability in opinion formation, accurate and just reportage of political activities and events was doubtful to objective discerning observers. Thus, it was because of the important roles of the mass media in opinion reinforcement at least, that many state governments, outside the control of federal governments, starved other sectors to establish their own television stations (See, Ojo, 2000a).

In Nigeria, the campaigns in the media have been nothing to write

home about especially the campaign of the new breed politicians. According to Onuoha (1991):

Another malaise in Nigeria election campaigns is the penchant for vagueness. Virtually all the candidates have “probity, accountability, pragmatism” etc as their article of faith. Little do they realise that these make little or no sense to the common man, if they are not well spelt out in realisable terms.

The politicians try to hoodwink the electorate and to cover up their emptiness and selfishness using high sounding words that mean nothing (Adesina, 1997) and they get promoted by the media without due regards for the ethics of journalism probably because of sentiments or perhaps because they have been “settled”. Additional reasons for the behaviour of most newspapers and which have reduced the quality of their reports was provided by Jibueze (2013) to include brown envelope syndrome, ownership interests, unskilled reporters, poor and unpaid salaries, and corruption. The attitude of our political actors, on the other hand, according to Ayobolu (1990) is an avalanche of rosy political promises from honey-coated mouth of the politicians.

Also, campaigns are characterised by drumming, cheering, singing, dancing, cultural displays and exaggerated political promises which are all meant to appeal to emotions and not the intellect. It is on this note that Nwolise (1990) once opined:

the major issues of the campaigns were not issues, politics and programmes but sentiments about personalities, religion and ethnic division.

While the media are not expected to contribute to most of the politicians’ deceitful acts through their reportage of political events but operate within the purview of the social responsibility theory of mass communication, in Nigeria, the reverse is the case. This is so in that most of the political violence/crises threatening the country’s democracy are traceable to the media’s inability to be objective, non-partisan, fair, just, accurate and balance in their reportage of political activities. It is for this reason that “The Farm House Dialogue” recommends that:

the media in Nigeria must assist in building and maintaining an environment conducive to democracy in the country. It must promote free choice of leadership, especially through the ballot box... In carrying out this role, the media must not be merely a mirror of society passively reporting events (Obasanjo and Mabogunje, 1992).

Nigeria media through sensational news, unbalanced and non-objective reportage of political events and exaggeration of political actions, utterances and statements have thrown spanner into the existing peaceful co-existence not only among the politicians but within the Nigerian body politic. This they do in conjunction with the politicians themselves by way of given unnecessary publicity or support for the 'illicit' acts, actions and opinions of the politicians. A typical example is the story by the Punch newspaper captioned 'Fayose disrespecting Jonathan' which was credited to a governorship aspirant in Ekiti state. In the content of the story, the writer himself clearly stated that

'although Adeyeye (the aspirant) did not mention the name of the aspirant, but former Governor Ayo Fayose, who is also a governorship aspirant, has consistently rejected the consensus arrangement, describing it as an attempt to impose 'weak candidate' on the party (Makinde, 2013).

The above statement by the writer (Journalist) is an ordinary insinuation that Adeyeye was referring to Fayose. This is a very bad report and it is capable of causing and provoking disaffectionate and intra-party crises between the two personalities (Adeyeye and Fayose).

In a related manner is the captivating headline tagged 'Okonjo-Iweala queries NNPC GMD over unremitted funds'. At first glance, it looks like an indictment on the GMD. However, a close and deeper perusal portrays that the minister was only verbally reacting to Nigerian Extractive Industries Transparency Initiatives (NEITI) and the reason why the Corporation was owing the Federal Government such a huge amount of money as a key speaker at the public presentation of the 2009 to 2011 oil and gas physical and process audit report of NEITI. In her words:

GMD, you are welcome back. I was (speaking) on some of the works of

NEITI and I said that the right people are assembled here because they (NEITI) pointed out that non-remittance by the NNPC was amounting to about N8bn over a period of time and I think we need to discuss this (Okonjo-Iweala as quoted by Nnodim, 2013).

To further show that the minister's statement is not an indictment on the Corporation and its GMD or threat but an ordinary comment, her further statement as quoted below is a testimony.

I don't want to put you (Yakubu) so much on the spot here for we are all in it together, but we need to know how this fund is managed (Okonjo-Iweala as quoted by Nnodim, 2013).

This type of story is capable of blackmailing the Corporation and its GMD as well making the public to form negative opinion about them as it could be read and interpreted out of context.

Another similar example was the support given a prominent and highly placed politician in 1983 by the media when he advised the people not to forget what they did in 1965 when faced with another rigging, intimidation or violence. Reminiscent of this was the statement of election being do or die credited to former president Obasanjo and that of General Buhari who asserted in 2011 that blood will flow in Nigeria if the election was rigged. In addition to all of the above is the recent publicity given to the various 'Apostles of revolution' in Nigeria as can be found in the Guardian, Sunday edition of July 8, 2013. Most of these people who believed that all the ingredients of a revolution, namely injustice, crushing poverty, rampant corruption, joblessness and the like are present in Nigeria (courtesy of Aminu Tambuwal) are senior citizens including Tambuwal himself, Prof. Ben Nwabueze, Generals Obasanjo and Danjuma, Bishop Oyedepo, Pastor Tunde Bakare, among others. One expects that these people, given their status in the country, should be apostle of peace and unity rather than disunity. As argued:

Factoring, for example, that these are citizens who have President Goodluck Jonathan's 'hotline', one is left to wonder whether they had reached the end of their tether in seeking a peaceful reform behind the stage.

Even if a revolutionary option is not on the cards, the pedigree and number of people reaching the conclusion that it (revolution) is inevitable may actually triggered or predispose Nigerians to that eventuality (Olukotun, 2013).

Recently, various political statements and utterances by political and non-political organisations in Nigeria which are given undue prominence and publicity by the media and which are capable causing political crises include 'ACN accuses Maku of blackmail'. The Punch newspaper reported the Minister of information, Mr. Labaran Maku to have said that 'Fashola is doing nothing' when every other opinion thinks otherwise'. In the reply to the statement, the same newspaper reported the Action Congress of Nigeria (ACN) claiming that:

It was ridiculous for Maku to express such 'low level of opinion about a globally lauded government because Lagos refused his extortion..... he does not know what good governance is. We know that Maku is merely vending sour grapes because the Lagos state government saw through his folly of organising a programmed revelry in the name of good governance tour when he had done nothing to uplift his ministry in the years he has been the Minister of Information..... one would have expected a parodist like Maku to unveil... (Olufowobi, 2013)

Another example of news story capable of fuelling crisis and distort Nigeria democracy is that credited to General Buhari where he was said to have condemned the federal government's military operations in the three northern states of Adamawa, Borno and Yobe where a state of emergence has been declared over the activities of the Islamic sect known as 'Boko Haram'. In reacting to the said story, Christian association of Nigeria (CAN) through its President, Oritsejafor demands Buhari's arrest for making 'reckless' comments. Specifically, the statement as published in the Punch reads:

Buhari's decision to throw his weight 'behind a blood thirst sect' without considerations for the Christians sent to their early graves is unfortunate... Buhari should be arrested for his reckless and careless statement...

he is a fanatic and be linked with the dreaded sect (Olokor, 2013).

General Buhari, in his reply through the publicity secretary of his party, Congress for Progressive Change (CPC), Mr. Rotimi Fashakin, argued that:

CAN under Oritsejafor is more political than religious, and that in any clime; religious leaders have always been the moral conscience of the nation in ensuring that the ship of the state is not in peril (Olokor, 2013).

Related to the above is the use of inciting words to report anomalies and express feelings in a way that is capable of worsening frustration, causing provocation and fuelling crises by reporters as can be deciphered from the action of a columnist while highlighting the recent publication by *The Economist* that our legislators are the highest paid globally, when salaries are related to a country's Gross Domestic Product per capital. Most of the questions posed by the columnist that: Would it change? Is anyone alarmed? Does it disturb the mind of anyone out there sufficiently to want to probe this and seek amelioration? Are very reasonable questions but in a well informed and better culture society and not in Nigeria where emotion prevails over reasoning. In fact as argued by Olukotun (2013), no matter how shocking the statistics of official prodigality get, no one seems concerned enough to do anything about them, because those who ought to restrain others are themselves too implicated in the same business to blow the whistle. All these provocative statements that were given publicity by the media are capable of causing crisis capable of affecting the country's nascent democracy.

Although, the achievement of freedom of information and press (media) depends on the philosophy of various government (Leeds, 1987), this notwithstanding, mass media organisations are seen to have multidimensional functions viz a critical factors in promoting national integration, societal cohesion, good government among others (Deutch, 1963). They are expected to perform the role of moulding the yearnings and opinions of the people on one hand and to investigate and collate the views and feelings of the citizens, for onward channelling to the government on the other hand. Thus, the media makes its importance felt in the

society through constructive criticisms of government policies, dousing of tensions, objective and impartial judgement on actions and inactions of government, political office holders and organisations in its discharge of these functions.

In Nigeria and most developing polities, media organisations are not usually courageous, critical and unprejudiced when appraising an unpopular regime's actions, ineptitude and inactions. It is expected of the media, in simple terms, to expose the merit and relevance, and inaptness in any critical policy of the government. There is need for the press and government to be interdependent as this works ultimately for the progress of the state itself. In this regard, fair, accurate, just and balanced reportage of political activities/events is required of the press on one hand and temperate, popular and accommodating government on the other hand in order to ensure democratic consolidation.

A retrospective analysis of the historical origin of our press in Nigeria shows that most of them could not be objective as they were sectionally established and were founded purposely to pursue the interest of their founders without due regards for either the social responsibility theory of mass communication or ethics of journalism. As a result they manipulate and thwart public opinion to suit the purpose of their founders and ethnic affiliation. For instance, in 1979 virtually all the five registered political parties had contingencies in their privately founded newspapers. The Satellite was created and sympathetic towards the Nigerian People's Party (NPP), *The Triumph* was created and sympathetic to the more radical element of the People's Redemption Party (PRP), the *People's voice* founded and maintained by the Unity Party of Nigeria (UPN) while The Eagle, Trumpet, Daily Nation, Advocate were founded by the National Party of Nigeria (NPN). The Guardian and the Concord were more vigorous and resilient in efficiency. While some notable veterans in journalism (people like Duro Onabule, the late Dele Giwa, Henry Odukamaiya, Yaya Awobanya etc) who were formerly with the Daily Times branches off to found the Concord newspaper, this action was interpreted as a subtle reaction to virulent and damaging vituperations Chief M.K.O. Abiola suffered in the hands of opposition newspaper. Thus, the concord commenced consequently a personal vendetta, particularly against the UPN.

Interestingly, such aggressiveness become notorious in its handling of

the reportage of the allegation that Chief Awolowo owned three hundred (300) plots of land in Maroko area of Lagos State. In fact, the allegation, as events showed later, was not substantially corroborated. Hence, the action of concord at that time not only contradicted the tenets of social responsibility theory of mass communication, violates the claims of Chief M.K.O. Abiola that concord was founded on the imperative of harmony, justice and progress for all Nigerians and the maiden editorial entitled “where we stand and our problem”. Subsequent events demonstrated that the publishing project became part of the disharmony, injustice and stagnation which the founders orchestrated to remove.

Not only this, there were occasions in which newspapers helped to fuel crises among politicians and respective biases through coloured, partisan, unobjective reportage and hyperbolic/sensational news. The situations of counter-recriminations among the politicians themselves and very incisive and inflammatory utterances that were taken over by the press (media) as regards their support bay readily come to mind. An example is using repulsive adjectives as “Political trader”, ‘lawless’ and ‘gang’ to describe one’s fellow politician. Another case in point was Dr. Nnamdi Azikiwe’s statement in 1979 that he was neglected among all the presidential candidates simply because ‘he is an Ibo’. This comment/utterance drew the response of *tribune*, a notable pro-UPN paper. It wrote a piece entitled ‘zik vs Nigerian Unity. The paper reported inter alia:

the statement (i.e. simply because I am an Ibo) could have been overlooked and dismissed as childish if it had come from a political aspirant with not too bright personality. But coming from Dr. Azikiwe, at this point in time, no doubt the statement triggers off an alarm that one of those inter-ethnic chauvinism which contributed to the fall of the First Republic is being reactivated by the man who was then the Head of Government (*Nigerian Tribune*, 18 April, 1979).

Following this reaction, the sketch owned by the then governments of Oyo, Ogun and Ondo States also reacted in its editorial titled “zik’s Questionable tactics” that Dr. Azikiwe’s intention is to unleash unrest and disharmony on the country, Nigeria (*Daily Sketch*, 21 April, 1979). Furthermore, the paper claimed that “Dr. Azikiwe has been in Nigeria’s

turbulent politics for several years and as an Ibo, became the premier of the former Eastern Nigeria and first president of the same country and that Zik should not plunge the nation into another tribal conflict (*Daily Sketch*, 21 April, 1979). According to the paper, Dr. Azikiwe should assist positively in the course of nation building and integration rather than tear it apart. It should be made clear that all these newspapers' provocative reactions to, and reportage of Zik's comment/reaction could create on their own part too, serious political violence, disorderliness and inter-ethnic disharmony.

Another story capable of causing inter-ethnic disharmony and which of course the writer was accused of anti-Yoruba ethnic is that entitled 'Obasanjo's miscalculation'. The article which featured in May 15, 2013 edition of the *Punch* newspaper generated varied reactions. In its reply/rejoinder by the same writer, Sabella Abide, in the same paper in June 5, 2013 under the title 'Nigeria and personalization of rule of law' still reinforced his earlier argument and comments about the former President, Olusegun Obasanjo. While reinforcing his spirit of nationalism, he claimed that his life is enriched by friendships and connections across countless ethnic groups, his assertion that 'frankly, I have no dog in the fight between the former and the current president' is capable of informing those members of the public who are not aware of the fight to form series of opinion by the two leaders. This and many more inaudible adjectives and comments about Obasanjo which characterised the article include:

.....But under Obasanjo administration, some people were above the law. And many atimes, he himself acted as though he was the law, the police, the judge, the jury, the warden, and the executioner.In the eight years Obasanjo was in office, he was tyrannical, ostentatious, and arbitrary. ...Obasanjo was suggestive of many pre and post-independent African leaders who ran their countries to the ground, etc. (Abide, 2013).

The writer did not stop at Obasanjo. President Jonathan also got his share of the insult where the writer stated *inter alia*:

.....Having said that, many things about Jonathan trouble me, i.e. his

petty fights and quarrels. Because of his inordinate ambition, he fought to remove Governor Timipre Sylva from office in Bayelsa state. He wanted total control of the state. He succeeded. He also wanted total control of the region and the region's electoral harvest. Those who refused him, or those he thought might oppose him, are today cooling their heels in prisons. Sensing that Governor Chibuike Amaechi might be a stumbling block to his 2015 agenda, he decided to send the governor a message (Abidde, 2013).

In the similar manner, the use of provocative words and statements by press which is capable of influencing public opinion against some leaders can also be deciphered from the 'comments column' of the Nation's newspaper of Tuesday, June 4, 2013 of the editorial titled 'Jang and his gang'. In the article by Waheed Odusile, he wrote about and described Governor Olusegun Mimiko as follows:

As for the rest of his gang, particularly Governor Olusegun Mimiko of Ondo state, I reserve my comments. Those who know him well say he is just behaving true to his type. They say he is a serial betrayal; a man of low or no principle; a fair weather politician. What can one say other than to watch, hoping he doesn't end up destroying himself politically. Yoruba can forgive anything, everything and anybody, but not betrayals. He should ask the Akintolas. Yorubas doesn't forget, the time would come one day when questions would be asked about his conduct in his present dispensation. That time is near. And as we say here, a three year old pounded yam can still burn finger (Odusile, 2013).

From the above, it is very clear that the statement is capable of pitching the public opinion against the personality concern. In addition, the propensity of opening an about-to-heal wound in the case of Akintola and Awolowo feud, of which a lot of reconciliatory efforts have gone, is very high. These and many more are some of the engaged statements in the press capable of weakening the country's democratic culture and public institutions and stunt their growth, efficiency and effectiveness. For democracy to survive one is not oblivious of the imperative of reasonable criticism, however, the personalities expected to drive the democratic

machineries must also be respected. At the same time, the use of expression must be cautiously applied and in soft and mild way that will not affect the formation of negative opinion capable of thwarting democratic efforts and principles we are protecting.

The press' sensational reporting of news and story at times may cause bad blood and disharmony between organs of government. For instance, to a non-painstaking reader, a story captioned 'Budget: Senators accuses Executive of removing N/Assembly' can lead to serious executive-legislative crisis. In the story, 'the Chairman, Senate Committee on Rules and Business, Senator Ita Enang said vital sections of the 2013 Appropriation Act, which define the oversight powers of the National Assembly, were removed by the Executive in the proposal submitted by President Goodluck Jonathan'. This is a very serious allegation made by the Senator while delivering a lecture at a retreat in Uyo, Akwa Ibom state. However, he (the Senator) went ahead and said 'the lawmakers observed the omissions and promptly restored them before passing the amendments'. What this simply means was that it was an error of omission which anybody could have made, including the Senate. The way the lawmaker put the statement and the way it was reported in the *Punch* newspaper of July 29, 2013 edition as if it was a deliberate action by the executive is capable of pitching the two organs against one another (*Punch*, July 29, 2013).

In 1983 also, press support determined by ownership and control also worsen the election. Campaigns for the elections were launched after the primary elections in different parts of the country. With virtually a repetition of partisan disposition of the press coverage, newspapers predisposition to political issues was predictable. Otherwise, how do we explain the verdict '83 programmes on the NTA? The political violence that followed the release of election results in the old Oyo and Ondo States are testimonies to this (See, Omolayo and Arowolaju, 1987). Also, is the incidence at Ago-Shasha in Ogun State and the various editorial comments and reactions to them. These have shown the level of political/moral decadence of our political actors and media as well as yellow journalists who readily make themselves available to be used as unethical political tools. The reason is that while salutary coverage was given to condemnation of thuggery, violence and enormous man-created calamities witnessed in these states by *The Punch* in its June 16, 1983 editorial, and

Major General Adeyinka Adebayo, former governor of Western province, there were also certain insidious statement made by significant political heavy weights in the country (The Punch, June 16, 1983). Particular cases in point were the July 7, 1983 political killings in Modakeke and Omoboriowo's case in Ondo State which were fuelled by the broadcast of some political warlords (Omolayo and Arowolaju, 1987). A prime example also was the threatened violence and thuggery by Chief Awolowo when he claimed that he would have recourse to illegal machinery should the election be rigged (*Daily Times*, April 7th, 1983). This Chief Awolowo's minatory statements were taken up by New Nigerian newspaper when an editorial was devoted to this criticism entitled "An Empty Threat" (*New Nigeria*, May 11th, 1983). This type of editorial was capable of creating disaffection and worsening the situation given the language the paper used to couch its comment even when utterance is seen to be damaging and the paper is objectively looking at it, foul language that looks retaliatory and sound provocative should not be used.

A similar situation is the Punch headline of August 5, 2013 captioned 'Presidency, APC in war of words'. In the story, Doyin Okupe was quoted to be referring to the APC leadership as comprising of 'politically expired' 'analogue' and 'yesterday men' to the extent of mentioning names. The APC publicity secretary, Lai Muhammed was also quoted by the same paper in retaliation that 'those leading the PDP are in their 70s and 80s, that the chairman BOT is also a young man in a party whose national youth leader is about 70 years old'. Although the political elites are guilty of using foul, retaliatory and damaging languages in the editorial, the press should not assist in placing this type of reactions and statement in a very conspicuous space (front page, for that matter) where people can read and form negative opinions about the respective personalities but can assist in fine-tuning their political rhetorics.

Essentially, one of the critical areas where the Nigerian media has failed to discharge its duty effectively in recent time is in the area of political education. This is particularly glaring from the unnecessary controversies that surround the underage marriage law in Nigeria. Education through effective flow of information is one of the necessary and sufficient conditions for proper exchange of ideas. It forms the basis upon which citizens form their opinions and base their judgment of issues. The issue

of underage marriage has led to serious controversy which nearly every actor, reporter, commentators, and reporter at least partially got wrong one way or the other (Akinnaso, 2013). The reason is that some of these people misconceived it to be a new law that was created by the Senate under David Mark whereas it is not. Neither the constitution nor the Marriage Act recognizes a marriage age that is less than 18. The basis of controversy over the Marriage Act is the provision (4) (b) in section 29 of the 1999 constitution which deals the qualification and procedure for the renunciation of citizenship. Specifically, section (4) (b) stated that: 'any woman who is married shall be deemed to be of full age'. This has nothing to do at all with all the provisions of section 29 hence the decision of the senate to remove it. As a result of lack of perfect understanding of this provision as included in the 1999 constitution and some senators, it has been used as excuse and cover for marrying underage children and therefore responsible for the supports mustered for its retention by these senators and its eventual success.

However, by the time the failed attempt to remove the provision reached the public domain, the reporters who are expected to know better also carried it more or less as a new law that allowed for child marriage. Opinion of the senate was misrepresented, blamed and held culpable as if they are the architect of the law that has existed before they were voted. This is deciphered from the public attack gave to some of the senators who rightly or wrongly voted for the retention of the provision. Specific example is Senator Patrick Ayo Akinyelure from Ondo Central Senatorial District who was summoned immediately for questioning by his district over his voting in relation to the provision. The main question that arises, according to Akinnaso (2013) is that: Where have the reporters been since 1979 (33 years ago), when the clause was smuggled into the constitution, and retained in the 1999 constitution and subsequent amendments?. The answer is very clear and this is that many reporters, legislators, public and civil society alike never read the constitution, unless there was a constitutional amendment or crisis. Against this background, the media failed in their responsibility to properly educate and inform the public on issues capable of destroying our democracy in that their job is to inform the public regarding issues not experienced by them first hand (Rutecki and Rutecki, 2010).

THREATS AND IMPEDIMENTS TO MASS MEDIA'S EFFECTIVE PERFORMANCE

There is no doubting the fact that the media fulfils an important role in shaping, amplifying and responding to public attitudes toward socio-economic and political issue or discourse. However, it should be noted that in some situation, even if they recognize the importance of objective reporting they may not be able to this and advance their ideas in ways capable of objectively shaping public opinion. This is not unconnected with some threats and impediments to their effective operations as dictated by their profession's environment. This includes issues and factors dictated by the socioeconomic and political environments which are capable of incapacitating the freedom of the media in general to operate and enhance yellow journalism.

Censorship, for instance, is an old and vicious tool that military dictators have brutally exploited to muzzle the Nigerian mass media. The use of this tool is not peculiar and limited to the military alone, civilian administration alike employs censorship in some situation where they feel their government is being unjustly criticized by the media. The role of the media in exposing cant and societal ills must not be surrendered and all lovers of democracy and liberty must rise up to defend this. Afraid of openness, past governments in Nigeria, military and civilian, had always attempted to curtail press freedom. While the military was brutal, elected governments have been subtle in their bid to gag the press (Punch Editorial, July 30, 2013). These governments are oblivious of the fact that in the country there exist statutes with adequate provisions to deal with infractions, particularly those that border on libel and publication of falsehood. Hence, government should limit itself from regulating newspaper content or administration. One of the devious way that the military have used to wreak havoc on the media include the closure of media organisations such as the *Newbreed*, the *Nigerian Tribune*, *Newswatch*, *Concord*, the *Guardian* and *The Punch* newspapers (Coronel, nd; Omolayo and Arowolaju, 1987, Schiffrin, 2011; BMA, 2012; Punch Editorial, July 30, 2013). Besides, are the enactments of draconian, dangerous, ill-conceived and shoddy law that affect the practice of journalism. Such law includes those that sought to establish minimum standards for journalism practice in several

areas, including academic qualification, ethics and remuneration, while it wanted the profession closed to persons without basic educational qualification in journalism and mass communication (*Punch Editorial*, 2013).

Another action of the government which has prevented the media to live up to societal expectation is the promulgation of law, especially in Nigeria, which sought to make the president to appoint (or dismiss) the chairman of the so called Press Council, thus making the president to wield wide powers in enforcing a code of ethics and discipline in the practice of journalism. These attempts to regulate and manacle the media, and which remained unquenchable for Nigerian leaders and undemocratic leaders around the world has become source of panic to the media and its practitioners. The fear of not being engulfed by the attitudes of these leaders is likely to be the reason why most unbrave and chicken-hearted journalists have resorted to yellow journalism. For instance, as argued in the *Punch* editorial of July 30, 2013, the media have not got a better deal after democratic governance returned in 1999 as deciphered from the various media houses' raiding and journalists' harassment. Specifically, the current civilian administration under Goodluck Jonathan has displayed unnecessary intolerance towards the media. For example, in spite of the signing of the Freedom of Information Bill in to law in May 2011, in October of the same year, policemen raided the offices of *The Nation* newspaper in Abuja and Lagos and detained six (6) of its employees (*Punch Editorial*, July 30, 2013). Also, in April 2013, the police harassed, arrested, detained and charged four journalists with Abuja-based Leadership newspaper over what it called an 'unfavourable' story about the government that appeared in the publication (*Punch Editorial*, July 30, 2013).

The above and the fear of being 'sanctioned' or 'terminated' made the media houses via reporters to resort to the issue of corruption explainable within the context of 'brown envelop'. This has made the media a compromised institution, particularly the journalists' in terms of accurate and balance reportage of political activities. Once envelopes is given and received, reports tend to be bias, coloured with partisanship and objectivity and fairness are removed.

In addition, fear of insecurity in terms of retrenchment and proscription is another factor incapacitating the media and reporters. Most if not all the reporters and media practitioners are afraid of being retrenched,

sanctioned, terminated or proscribed, therefore, news are couched and reported in the interest of their sponsors and power that be. In the process and in most cases, some people are instructed and censored completely from the news about political activities of their states. For instance, in some states where there are crises between the deputy governors and their governors the journalists have caved in, in terms of been able to fairly and objectively report the developments on the feud. In most cases, they have pitched their tent with the Governors high handedness of such Chief Executive or Governor. Thus, those in power are able to easily sell their political views and opinion to people with little or no opportunity for the other side. This situation is made worst due to the media's and journalists' inability to really decouple themselves from partisan politics and act within the confines of the ethics of their profession thereby fueling political violence.

Other more serious threat to media's effective performance and inability to be accountable is their motive to make profit. In this regard, accountability refers to the media "being answerable to the people and State for its actions (Stapenhurst, 2000). It also involves "awareness by the journalist that whatever he/she writes, plays or screens must promote, preserve and entrench the democracy for which he/she has been given a definite role in the constitution" (IFJ, 1997)

However, a lot of reasons have been advanced as impediments to media accountability (IFJ, 1997). Most important is the desire of the media to have a more attractive and fascinating headlines and editorials published. This then requires huge financial resources. Some have argued that, in order to be profitable, the media have to 'sell' their wares (IFJ, 1997). As a result, the mass media generally prefer negative over positive information and increasingly draw a negative, dysfunctional picture of politics (Kepplinger, 1998 cited in Matthes, 2010) by focusing on conflicts, scandals, negative behaviour and attack Journalism (Matthes, 2010). The consequence of this attitude is mediatization of politics, a situation whereby Journalists operation is based on commercial pressure, trivialization, conflict orientation, and entertainment politics rather than professionalism (Matthes, 2010).

Related to the above is the reluctance and unwillingness of public officials to disclose information to media practitioners. For instance, some governments and institutions often put and impose limitation

on information that could be released with regard to national security, international relations, administrative and personal privacy (Coronel, nd; Schiffrin, 2011; BMA, 2012). This situation builds obstacles to media accountability and general performance.

A judicial system which is too oppressive severely limits media freedom and effective operational performance. The fear of being put in jail or of having to pay large amounts as a consequence of a libel suit may cause the media not to risk publishing certain matters even though they are in the public interest (Stapenhurst, 2000).

From the various arguments put forward so far, it is obvious that the actions of the media, their inability to be objective and their propensity to fuel political violence are greatly influenced by the need to make news sensational, corruption, fear of insecurity and most importantly by their partisan political consideration of ownership and control. In the main, government owned media could not detach themselves from the apron string of the government to give a critical and objective assessment of situation even when it is glaring that certain actions of the government are not in the general interest of the public.

CONCLUSION AND RECOMMENDATIONS

From the discussion above, it could be seen that the role of mass media in promoting good governance and shaping public opinion is critical. Its capability not only to positively enhance violence-free society, sustain endurable polity, create enough and sufficient tension that could lead to political violence has been proved to be extremely beyond reasonable doubt. The advantage of the media is that the population can be reached easily through circulation of newspapers or radio and television. Often, reports of various sensational and provocative stories, news, headlines and editorials which are capable of causing violence by the mass media have been provided.

To be able to act as a vigilant watchdog over the conduct of public officers and shape public opinion, among its other responsibilities, in way that guarantees the sustenance of democracy, it is vital for the media to be freed from political interference. For the media to be an instrument for enhancing violence-free society and endurable society/polity, it must

first recognise its strategic importance in the society and the strategic responsibilities bestowed on it by the society. Media practitioners must not only see themselves as the watchdog of government activities but also live up to it. This could be achieved through the existence of fearless, independent minded, non-corrupt, non-passive and critical press that is prepared to defend the ideals of the society and his professional ethnics against government encroachment through fair, accurate and balance reportage of political activities and events. However, this does not mean that the media/press must be unnecessarily antagonistic of the government. The press must be able to objectively commend government's laudable policies, provide constructive criticisms and offer viable policy alternatives where necessary without bias while at the same time distance itself from the government and partisan politics.

Government on its part must create a conducive and enabling environment for the effective operation of the media/press. It should desist from proscriptions, closures, harassment and intimidations as a way of forcing the press to tow its line while any excesses may be dealt with within the existing normal legal framework. Too often, especially in developing countries, media are state-owned or state-influenced. This leads to unreliable reports that are of no help in sustaining and consolidating democracy. Aiming at reinforcing media independence, state-owned media should be treated at arm's-length by the government, as is the case of the BBC and the CBC, and Benin's government owned newspaper, thereby averting interference and unreliable reporting (Stapenhurst, 2000). This is, and should be so in Nigeria in that section 22 of the 1999 constitution supports this by insisting that 'the mass media shall at all times be free to uphold the fundamental objectives and directive principles of the state policy... and uphold the responsibility and accountability of the government to the people' (FGN, 1999). At the same time, mechanisms have to be set in place to ensure that media are owned by different proprietors (Pope, 1996).

The power of the media needs to be strengthened starting from providing forms of protection to practitioners who are under threats or risks that might endanger their lives and work and they also have to be allowed to gather reliable data and information from government bodies within the limits imposed by the imperatives of defence and security considerations (Stapenhurst, 2000). Without reliable access to information, the media

are severely limited in their opinion shaping.

One of the conclusions reached at the workshop on Investigative Journalism held in Uganda in August 14–19, 1995 is that media practitioners have to possess an extensive set of skills which prove necessary in the discharge of their duties. If not mastered already, these skills should be acquired through clearly-focused training and seminars which should be organized on a regular basis (workshop on Investigative Journalism, 1995).

In addition to the above recommendations, Nigerian government, if truly interested in advancing and protecting democratic institutions, is advice to adhere strictly to the followings as recommended in the Charter for a Free Press in the world as approved by journalists from 34 countries at the Voices of Freedom World Conference on Censorship Problems held in London, January 16–18, 1987:

- Censorship, direct or indirect, is unacceptable; thus laws and practices restricting the right of the news media to freely gather and distribute information must be abolished, and government authorities, national and local, must not interfere with the content of print or broadcast news, or restrict access to any news source.
- Independent news media, both print and broadcast, must be allowed to emerge and operate freely in all countries.
- There must be no discrimination by governments in their treatment, economic or otherwise, of the news media within a country. In those countries where government media also exist, the independent media must have the same free access as the official media have to all material and facilities necessary to their publishing or broadcasting operations.
- States must not restrict access to newsprint, printing facilities and distribution systems, operation of news agencies, and availability of broadcast frequencies and facilities.
- Legal, technical and tariff practices by communications authorities which inhibit the distribution of news and restrict the flow of information are condemned.
- Government media must enjoy editorial independence and be open to a diversity of viewpoints. This should be affirmed in both law and practice.
- There should be unrestricted access by the print and broadcast

media within a country to outside news and information services, and the public should enjoy similar freedom to receive foreign publications and foreign broadcasts without interference.

- National frontiers must be open to foreign journalists. Quotas must not apply, and applications for visas, press credentials and other documentation requisite for their work should be approved promptly. Foreign journalists should be allowed to travel freely within a country and have access to both official and unofficial news sources, and be allowed to import and export freely all necessary professional materials and equipment.
- Restrictions on the free entry to the field of journalism or over its practice, through licensing or other certification procedures, must be eliminated.
- Journalists, like all citizens, must be secure in their persons and be given full protection of law. Journalists working in war zones are recognized as civilians enjoying all rights and immunities accorded to other civilians (Charter for a Free Press, 1987 as cited in Stappenhurst, 2000).

GRASSROOTS' GOVERNANCE AND CRISIS OF AUTONOMY 1999-2014

Femi Omotoso & Isaac Oladeji

INTRODUCTION

The last two decades have witnessed widespread efforts by individual nations, civil society organizations, development agencies and the international community to democratise and decentralise the many authoritarian, single-party centralised governments around the world. During this period, decentralized governance, which is a conscious effort to redistribute responsibilities and resources downward from central governments to sub-national governments, re-emerged as the most suitable policy alternative to ensure a bottom-up democratization process through which poverty reduction interventions could be conceived, planned, implemented, monitored and evaluated, especially in Africa (Hagberg 2010; Kauzya 2005; Olowu 2001, 2007; Wunsch 1998). Highly centralised forms of governance, which foist administrative structures and developmental programmes on the grass roots from central administrative units, have lost a great deal of legitimacy (Bardhan 2002) and have been blamed for the politico-administrative pathologies and developmental crisis in Africa (cf. Friedman 1992; Olowu 2007).

Thus, as democratic forms and practices spread across Africa in the twilight of the last century, local governance was swept along by the tide of change. The evidence of a paradigm shift can be found in the increasing emphasis on local governance as a part of the policies and programmes of democratic governance reform in several countries (Olowu 2007). The

objective has been to enhance local communities' participation in the decision-making and implementation processes in programmes that have direct bearings on their lives. The assumption here is that local governance facilitates greater participation of communities in project identification, planning and implementation, which in turn increases ownership and the likelihood of sustainability (Kauzya 2005). Local governance is thus viewed as a policy of high priority and used as an instrument of overcoming the indifference of government bureaucrats to satisfying the needs of the public, improving the responsiveness of governments to public concerns, increasing the quality of services provided, and people empowerment. Much more, it is considered a platform for sustainable democratization, a structure for the mobilization of resources for economic development, a veritable instrument of reconciliation, social integration and well-being in post-conflict environments, and a vehicle for the promotion of a culture of good political, economic, civic, and administrative governance (ECA 2003; Kauzya 2005; Olowu 2001, 2007; USAID 2009).

However, despite the compelling promise of rapid bottom-up democratization and development, "African local democratic governance has failed in virtually every place it has been tried" (Olowu 1990). Indeed, grass roots governance in Nigeria is in a state of crisis due to some observable challenges as shall be discussed later in this chapter. While this crisis stems from what increasingly looks like deliberate efforts to stem the advance of democratic governance at the local government level in the country (Abutudu 2011), at its core is the autonomy quagmire in which the local government system in the country has been trapped. As a unit, the local government retains its outward appearance. It even goes through the motions of performing its functions. However, the autonomy crisis in which it is enmeshed has undermined its essence as a local government whose authority is directly derived and anchored in the constitution. Some pertinent questions to be asked then are: Why is it that local governance is still enmeshed in the autonomy crisis till date despite the rhetorical commitment to its autonomy by successive Nigerian governments? What are the historical intergovernmental, political, social and economic factors/forces encumbering local governance autonomy in Nigeria? Can local government enjoy effective autonomy or is local government truly the third tier of government in Nigeria? What can be done to enhance

grassroots governance through improved legal, administrative, political and fiscal autonomy in Nigeria? These are the major questions this chapter proposes to grapple with.

A REVIEW OF GRASSROOTS GOVERNANCE AND AUTONOMY

According to the Commission on Global Governance (1995, quoted in Baogang 2003), governance is “the sum of the many ways individuals and institutions, public and private, manage their common affairs”. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest. From the foregoing, local governance can be seen to comprise a set of institutions, mechanisms and processes through which grassroots citizens and groups articulate their interests and needs, mediate their differences and exercise their rights and obligations at the local level (Baogang 2003).

Local government is a segment of a constituent state or region of a nation-state, established by law to provide public services and regulate public affairs within its area of jurisdiction (Ikelegbe 2005 in Abutudu 2011). Although the lowest level of government (and therefore, closest governmental authority to the people), it has the necessary powers to function and control its own finances and personnel. It is a government under the responsibility of the local people and in the interest of the local population by local representative bodies (Ibid). This must have informed Oyediran (2003) to distinguish between local government and local administration. Oyediran posits that “whenever a body of people claim to represent the local people and this body is not chosen by the local people what you have is local administration”. He argues further that “there can be local administration without local government...” He therefore defines local government as:

government in which popular participation both in the choice of decision makers and in decision making process is conducted by local bodies which while recognising the supremacy of other levels of government, is

able and willing to accept responsibility for its decisions (Oyediran 2003).

From the foregoing definitions of local government, the importance of local autonomy to the management and administration of local affairs comes to the fore. Local autonomy is a perennial issue in the study of decentralised governance. Indeed, it is almost impossible to discuss the relationship between central and local governments, or the political context of local government more generally, without substantial reference to the concept of local autonomy (Pratchett 2004). Although the notion of local autonomy is a subject of enormous research, the recurrent use of the term has not contributed much to the clarification of its meaning. While it is central to the question of freedom of sub-national/local government units to manage their affairs as they deem fit with/without central government supervision/control, the study of decentralised governance still lacks a generally acceptable definition of local autonomy. Also, scholars are yet to agree on which elements constitute local autonomy or how it should be measured. Indeed, while different groups of public actors and policy makers (political parties, government actors, etc.) will readily support and appreciate local autonomy, they usually use the term differently and seldom agree on which field of public activity is suitable for local control. Little wonder, the concept of local autonomy remains contentious and subject of conceptual and theoretical pluralism.

Arguably one of the most renowned earliest attempts to theorise local autonomy appears in Gordon Clark's principles of autonomy (Clark 1984 in Libonati 2005). These principles, according to Beer-Toth (2009), "distinguish between a local government's power of initiative and its power of immunity". The power of initiation is the power of local governments to regulate and legislate in their own interests, or the power to act in carrying out rightful duties. The power of immunity is the power of local governments to act without fear of oversight; it means immunity from the authority of higher tiers of the state (Beer-Toth 2009). According to Libonati (2005), there are four variations in the exercise of these two components of autonomy – 1) power of both initiative and immunity; 2) power of initiative but not immunity; 3) power of immunity but not initiative; and 4) neither power of initiative nor immunity.

Apart from the above two principles of autonomy, Clark also introduces

the notion of local discretion. According to Clark, the “discretion, or the ability of local governments to carry out in their own manner their own particular objectives in accordance with their own standards of implementation, depends on the prior specification of local autonomy” (quoted in Beer-Toth 2009). He argues that where both powers of initiation and immunity are limited, local discretion is equally constrained and local autonomy can hardly exist. For him, local autonomy (or the way it is specified in terms of immunity and initiation powers) determines the extent of local discretion. Thus, he posits that “...if local initiative were tightly circumscribed and the conditions in which local powers are exercised were similarly prescribed, then local discretion would be severely limited” (quoted in Beer-Toth 2009).

However, Clark's model has been criticised on some grounds. For instance, his suggestions that the extents of initiation and immunity have to be pre-specified by a central government and that local governments are mainly directed ‘from above’ could be taken to mean that local autonomy is only something granted (either expressly or sparingly) from above in limited amounts. Also, for Pratchett (2004), ‘local self-government in both unitary and federal systems occurs only because a higher-level authority delegates some of its sovereign powers and responsibilities.’ Thus, if local governments’ initiation powers are assigned by the state or the central government, then successful local autonomy is limited as its powers are reduced to mere delegated ones.

According to Beer-Toth (2009), the discussion about who assigns the power of initiation is interesting for two reasons. First, if local governments have no possibility to define or structure their own initiation powers, then any attempt to define exclusive areas of local affairs will fail. The answer to the question as to what constitutes local affairs will be dictated by a higher-level authority or the national legislation. Second, the source of the power of initiation has important legitimacy implications. When the limits to action are imposed only by the local residents, then legitimacy flows from the bottom up. That is, local government bears full and ultimate responsibility for its actions. Conversely, legitimacy is top-down when both authority and responsibility for local actions are centralised. This reveals the inherent connection between autonomy and responsibility. Hinings (1982 quoted in Beer-Toth 2009) puts this in perspective when

he submits that “in every decentralised system there is an internal tension between the definitions of freedom defended by the local authorities and the definitions of responsibility defended by the central government”.

Moreover, while for Clark the only thinkable constraint to local autonomy is the higher-level authorities’ reviewing of municipal decisions with the aim to enforce their own standards, Gurr and King (1987) contend that “the local state is autonomous to the extent that it can pursue its interests without substantial interference by the national state”. Here, national interference includes not only the explicit oversight function and the review of local decisions, but also national political pressures affecting local policies, as well as legal conditions or guidelines accompanying central government grants (Beer-Toth 2009). Gurr and King (1987) therefore define local autonomy as a power of the local government to “pursue its interests without being substantially constrained by local economic or social conditions”. These conditions are of three kinds – limits on the revenue-raising potential of the local government; organised local economic interests diverting municipal power and policies to their own purposes; and local political organisations and social movements attempting to influence the content and execution of local public policies.

Furthermore, local autonomy has been defined as the ability of local governments to have an impact on the well-being of their citizens. Former interpretations of local autonomy that see local power as the ability to act according to own objectives and without constraints from higher-level governments or from economic and social factors are believed to be insufficient because they neglect the consequences of local autonomy. Thus, for Wolman and Goldsmith (1990), the most important variable in the analysis of local autonomy is the aggregate well-being of local residents. They believe that by means of their autonomy, local governments can exert considerable influence on the well-being of the local residents. The novelty of Wolman and Goldsmith’s postulation is thus in the outcome orientation. That is, once all external constraints are taken into account, the residual local autonomy is justifiable only if it contributes to the well-being of the local population. Thus, for the first time in the literature, the value of local autonomy is put into perspective. The only problem with the Wolman and Goldsmith’s theory is that of measuring the aggregate well-being of a local community (Beer-Toth 2009).

In sum, a sizeable amount of research on federalism and multilevel decentralisation is concerned with the question of how sovereignty is devolved from the central government to, or constitutionally shared with, sub-national governments. Here decentralization is conceived around three concepts of deconcentration, delegation and devolution, depending on how much power and responsibility the central government retains when transferring a competence to lower levels (cf. Adamolekun 2002). Deconcentration means that the higher-level authority keeps its powers and responsibilities for a given public function while leaving the execution to the lower authorities. This happens most often through precisely defined mandates to the regional and local offices and line ministries of the central government, or to the appointed prefects or governors of sub national jurisdictions. In the case of delegation, the lower authority has considerable discretion as to how to carry out the delegated task, but it is fully accountable to the higher authority which retains ultimate responsibility for what is done and provides some or all of the necessary funding. Finally, devolution is the most complex form of decentralisation in which the responsibility for a particular function is entirely transferred to the lower authorities that are, in this case as well, elected, independent self-governing entities. Along with the competence transfer, these local governments are also given authority to levy taxes and fees to finance the service.

Clearly, local governments enjoy the largest possible degree of autonomy in the case of devolution and are fully dependent on higher-level authorities in the case of deconcentration, while delegation grants them a limited degree of autonomy. However, even if the best way to maximise local autonomy is through devolution, it is neither realistic nor desirable to envisage an intergovernmental system in which all public affairs with a regional or local scope are systematically devolved to the lower tiers. In practice, deconcentration, delegation and devolution are simultaneously present in every decentralised government system and the choice between them depends on the nature of the given public good or service and the actual demographic, geographic, socio-economic and political context in which it has to be provided. Since the degree of local autonomy is a function of this choice, it follows that the levels of local autonomy are not static but subject to change over time and issue.

LOCAL GOVERNANCE IN NIGERIA

The precursor of local government in Nigeria was the native administration established by the colonial administration. This system of government, which was modelled after the Millsian ideal of local representation, was charged with the collection of taxes, maintenance of law and order, road construction and maintenance, and sanitary inspection, especially in township areas. Although, Lugard had tried to implement native authorities that were anchored on strong, highly centralized rulership, the varying degrees of resistance which this encountered in the southern part of the country, particularly the Eastern Region, led to some modifications which took local peculiarities into consideration (Abutudu 2011). However, the dilemma the colonial administration faced was how to reconcile the need for recognition of local autonomy with the criterion of administrative efficiency and economic viability. Thus, it made local autonomy contingent on guarantees of administrative efficiency (Ukiwo 2007).

The continued agitation for local autonomy and the emergent regionalism influenced reform measures that both the colonial officers and the emergent nationalist elites, especially in the south, embarked upon in the 1950s. For instance, Western and Eastern Regional governments in 1954 initiated Local Government Laws with the aim of democratising and granting local government some level of autonomy. This notwithstanding, in all the regions with the advent of multi-party politics in the 1950s, the dominant party in each region used the local governments as instruments for political control at the grass roots. Even in the southern regions where the local government reforms of the 1950s were partly driven by the need to promote democracy at the grassroots, ruling parties often abolished elected councils which they replaced with 'interim' management committees made up of loyal party members (Ukiwo 2007). As each of the regions gained self-rule within the evolving federal framework, local government fell under residual matters, the exclusive preserves of the regions or states. This allowed for varying structures and practices across the regions. The state creation exercise in 1967 that saw four regions metamorphose into twelve states exacerbated this trend (Oyediran 2001).

Thus, during the early periods of independence up to 1975, the different states operated different systems of local government. In the northern

states, the emirs retained some of their powers and influence because the councillors appointed by the military governors were traditionally and spiritually expected to defer to the authority of the emir. The eastern and midwest states abandoned the conciliar system adopted in the 1950s for development administration, modelled after the French system of deconcentration. Local government became a de-facto agent of administering state government projects and programmes at the locality. In the west, state governors who had initially posted sole administrators to local government areas were forced by the tax revolts of the late 1960s to re-introduce local participation (Ukiwo 2007).

However, the 1976 Local Government Reforms, which have been regarded as a watershed in the development of local government in Nigeria (Agagu, 2004), changed all these. The reforms were revolutionary in the sense that it was the first time a uniform local government was being initiated for the entire country. Through the reforms, the local governments were granted the real power of grassroots governance and were equipped with political, administrative and fiscal capacities as the third tier government. To strengthen the philosophy of the government, it went further to guarantee the statutory nature of local government by embodying it in the 1979 Constitution (Adeyemo 2005). Indeed, section 7 (1) of this constitution stated *inter alia* that “the system of democratically elected local government councils is under this constitution guaranteed...”

The litmus test for local government autonomy in the Second Republic however was the reintroduction of partisan politics at the local levels. Local government became a victim of the vicissitudes of party politics and competition for power. The problems were partly constitutional because there were loopholes in the 1979 Constitution, which the politicians were keen to exploit for political advantage (Ukiwo 2007). For instance, the constitutional provisions for the state-controlled Local Government Service Board, the State Local Government Joint Account (JSLGA) and state oversight functions undermined the autonomy of local governments. Moreover, there were confusions in allocation of functions among/ the federal, state and local government councils. Many state governments took advantage of this ambivalence to either take over local government functions or funds to finance responsibilities they were supposed to share with the councils. Indeed, local government functions were exercised by

the local governments effectively as delegated powers from the states. They exercise little or no control over their statutory shares of federal revenues; have no autonomous tax, rate or license fee-imposing powers. They enjoy very limited authority over their staffing policies and face increasing regulation or intervention from state governments in the provision or administration of local functions like primary education and healthcare (Wunsch and Olowu 2010).

The worst violations of the autonomy of local councils, however, stemmed from political machinations. The politicians, having realised they could trade local councils for votes as there were agitations across the country for more local councils, balkanised local governments for electoral purposes and gains. As elections approached, most state governments dissolved local councils and appointed loyal party members who were expected to deliver votes in their localities. Little wonder, the local government councils were deeply involved in the large-scale electoral fraud of 1983. Thus, local patrons and fledgling elites embarked upon cacophonous allegations of “discrimination in distribution of amenities or in appointments, especially to positions of chairmen or supervisory councillors in the local government concerned as the main reason of their discontent” (Gboyega 1989). Consequently, by the time the military intervened in 1983, the number of local councils in the country had more than doubled from 301 to 703. Many of the new local governments did not effectively take off because one of the first decisions of the new Buhari regime was to abolish the LGAs the politicians had created.

However, the semblance of autonomy for local government came to be with the 1991 local government reforms, which introduced the presidential system to the local governance and administration. Certain reforms introduced by the Babangida administration were designed to strengthen local government autonomy. For instance, acting on the recommendations of the Political Bureau, the federal government put in place machinery that eliminated the intermediary role of the state government in the remittance of funds to the local government from the federation account as from 1988. This was enshrined in Section 160 (4) of the 1989 Constitution. Also, the local government share from the Federation Account was also increased from 10% - 15% (1991) and then to 20% (1992) at the expense of state governments. Similarly, states were mandated to contribute 10% of their

internally generated revenue into the purse of local governments or else have the amount deducted at source from the state allocation from the Federation Account. Moreover, the Ministry of Local Government at the state level was abolished in 1988. State governments were only required to establish Departments of Local Government in the state governor's office to assist, advice and guide, but not to control, local governments in the performance of their constitutional functions (Oyediran 2003).

LOCAL GOVERNMENT AUTONOMY CRISIS IN NIGERIA – 1999-2013

Despite the enhanced profile of the local government system, especially since the 1976 local government reforms, there has not been commensurate grassroots democratization and development in the country, as the local government system is still characterised by mal-administration, bad governance and undemocratic tendencies, which exacerbate grassroots poverty and frustrate local communities' participation in decisions making, programmes and projects execution. Lamenting the failure of local governments to live up to their billings, a former Nigerian president, Olusegun Obasanjo, stated that:

What we have witnessed is the abysmal failure of the Local Government system. It is on record that at no time in the history of the country has there been the current level of funding accruing to the Local Governments from the Federation Account, yet the hope for rapid and sustained development has been a mirage as successive Councils have grossly under-performed in almost all the areas of their mandate.... (Obasanjo 2003).

But, while many factors can be implicated for this abysmal state of local governance in the country, at its core is the autonomy crisis ravaging the local government as the closest government to the grass roots. Indeed, while arguably the local government cannot be said to have enjoyed effective autonomy since its inception under the colonial government, several reforms it has been made to go through notwithstanding, it has further sunk into the cesspool of the autonomy crisis, especially since the country

returned to civil rule in 1999. Little wonder, the controversy around local government autonomy has attracted renewed debate, controversy, and, of course, intellectual analyses, especially since the commencement of constitution amendment by the National Assembly, which sought to make local government a true tier of government. This has pitched the National Assembly and the Governors' Forum (GF), on the one hand, and the Peoples' Democratic Party and opposition parties, on the other, against themselves. Also, the Governor's Forum and National Union of Local Government Employees (NULGE) have been at loggerheads on the same issue. The problematic local autonomy idea itself stems from the fact that Nigeria as a federation should have just two tiers of government, namely, the central and the federating units. This is the strand of argument supported by the governors and some opposition parties particularly the All Progressive Congress (APC). Indeed, Prof. Itse Sagay, at a recent town hall meeting on local government autonomy, argued that:

Nigeria is a federation so the question of having autonomous Local government cannot happen. A local government is part and parcel of the state and technically should have no direct relationship with the Federal government. What we have in Nigeria already is an aberration, because we have the number of Local Governments actually listed in a Constitution which is unheard of, it is a peculiar Nigerian phenomenon... What normally should happen is that Local Governments should be completely an agency of the State for development. It should not be mentioned in the Constitution at all. Every State should decide how many Local governments it wants to create, where it wants to create them, and fund them absolutely by itself (Osagay 2013).

However, the place and role of local governments in federal systems are changing and vary markedly. In some, the local government is a constitutionally recognised sphere of government, while in others it is merely a competence of the state/provincial government. Nevertheless, the local government has an increasing role in the governance of federal countries, placing new demands on the theory and practice of federalism. Moreover, its status is changing along with its new role. But the constitutional recognition of local government as a tier of government in federal systems is

a modern phenomenon. This was particularly typified by the Constitution of the Federal Republic of Germany of 1949, the Indian Constitution of 1992 and the South African Constitution of 1996 (Steytler 2005). It can, however, be argued that the significance of recognising the local government as a full partner in a federal system of government would enhance the structural relationship between the three spheres of government. Thus, the entrenchment of the local government as a tier of government in the Nigerian Constitution of 1999 was not actually an aberration but in line with new strands of internationally recognised federal practices. Therefore, it is our contention in this paper that the current federal arrangement should be allowed to stay and in fact be strengthened to give local government some measures of autonomy. The over lordship of states governors' on local governments particularly on financial and administrative matters is worrisome, absurd and highly embarrassing.

In the main, it is instructive, however, to note that many of the controversies surrounding the autonomy debacle of local governance in Nigeria have their roots in some confusing provisions of the 1999 Constitution. The first observable confusion has to do with the power to create local government. The constitution in Section 7 (1) states that "the system of local government by democratically elected local government council is under this constitution guaranteed; and ... the government of every state shall, subject to Section 8 of this constitution, ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils." While the power to create local governments is vested in the state governments through the provisions of Section 8 (3), the constitution in its Section 8 (6) empowers the National Assembly to ratify local governments thus created by the states. In fact, all the 774 local governments in the country have their names enshrined in the constitution. Thus the power to create or abolish and finance local government requires inputs of both national and states' assemblies. This cumbersomeness and complexities put question mark and places limitation on local government autonomy.

For example, many states such as Kogi, Lagos, Niger, Oyo, etc. created additional local government areas in line with the modalities stipulated in the constitution, but the federal government through the National Assembly refused to ratify them as enshrined in the constitution. The ensuing

rift degenerated into a legal tussle between the federal government and Lagos State during the administration of Chief Olusegun Obasanjo. The government withheld statutory allocation meant for the state till the legal tussle lasted. However, the Supreme Court ruled that without the final assent of the National Assembly, the process of creating a local government area is clearly inchoate and that federal government equally lack the power to withhold statutory allocation to any tier of government in the country. Lagos State thereby branded the created areas as Local Council Development Areas (LCDAs) and has been sharing money meant for the constitutionally recognized local governments to these LCDAs.

Another area of confusion in the constitution that has impacted negatively on the autonomy of local governments has to do with the election and tenure of the local government officials. Here again, while the constitution envisaged a democratically elected local government in its Section 7 (1), it was silent throughout on the tenure of local governments' political office holders and the modalities for local elections. The constitution, in the concurrent legislative list, gives the National Assembly the power to make laws with respect to the registration of voters and procedures regulating election into a local government council. The constitution, at the same time, gives the powers to the state House of Assembly to make laws with respect to elections into a local government council. In the same vein, the constitution gives the responsibility of updating voters' register to the Independent National Electoral Commission (INEC) and makes the same available to the States Independent Electoral Commission (SIECs) is saddled with the responsibility of conducting elections into local governments. Thus, at the expiration of the three years tenure of local governments' political office holders in May 2002, the state governments appointed caretaker committees for all the local governments in their respective states as elections could not be held because of the tussle between INEC and SIEC as regards the availability of the enabling voters' register.

However, the selection of caretaker committees for local governments has become the norm rather than the exception, as the observable trend since 2002 is that most state governments if not all have flagrantly breached the constitution by turning the local governments to 'caretaker councils' imposed by states instead of 'elected councils' as provided for in

the constitution. For instance, the situation in Anambra State is quite appalling. Anambra State has not held any local council elections since the return to civil rule in 1999 (Nkwocha 2009; Ubani 2013). Also, two years into the administration of Governor Abiola Ajimobi and at the end of four years tenure of both Governors Kayode Fayemi and Rauf Aregbesola, there are no elected local governments in place in Oyo, Ekiti and Osun States respectively. Usually, as soon as a new governor comes into office, one of the first actions is to dissolve the existing local councils, whether elected or caretaker. This, as the recent case of Imo State demonstrates, can degenerate into anarchy, with claims of legitimacy between rival appointees or elected officials (Anyanwu and Okara 2011). In many cases, caretakership is perpetuated through promises of elections which are invariably postponed. This has been the case in Edo until October 2013, Delta and others. If the outright denial of democratically elected local councils through caretaker committees demonstrates the increasing authoritarian hold on the councils by state governors, the case of those "elected" where elections manage to hold does not give cause for cheers (Abutudu 2011).

Where elections have been held at the local level, the general picture that emerges is one of a huge mockery of the concept of elections in particular and democracy in general. In the first place, there is the general feeling that the infrastructure emplaced for the election is not right. This starts from the SIEC, which is seen as a handpicked body (in most cases they are usually the sympathizers of the party in power) bent on doing the bidding of the state government. The manner the SIECs are dissolved and reconstituted irrespective of tenure provisions whenever a new governor takes office attests to the inability of these bodies to live up to the 'independence' in their appellation. For example, in Ekiti state, Hon Justice John Adeyeye of the State High Court ordered the sack of the Chairman of the Ekiti State Independent Electoral Commission, Mrs. Cecelia Adelusi, and four commissioners on the board based on the PDP proven allegation that they were card-carrying members of the ruling Action Congress of Nigeria (ACN), contrary to constitutional provisions (Makinde, *The Punch* February 11, 2012). This was barely 48 hours to election, and the election was accordingly shelved in tune with the court pronouncement, but the state government swore in all the ACN

candidates in the local government election to the various positions they were vying for as caretakers. Is this political rascality and uncommon foot works not a mockery of democracy? The deliberate emasculation of SIECs is further entrenched through deliberate under-funding. Following this is what has become the bane of Nigerian politics, but even made worse at the local areas. This is the imposition of candidates by governors and godfathers. In other words, those who become elected as councillors and chairmen hardly emerge from the people who they are meant to govern. They owe their loyalty and are responsible to those who put them in the office. Given all these, the results that emerge from the elections conducted by the SIECs across the country always invariably produce 100% victory for the ruling party in the state, most especially in the chairmanship election. A case in point is the last Lagos State local government election. The PDP accused Lagos SIEC of manipulating the election to favour the ruling ACN. According to the PDP, despite the fact that the result of the election was known at the various polling centres as declared by the officials which gave the party the opportunity to know the local governments won by it, LASIEC went ahead and manipulated the result. The Nigerian Tribune in its Wednesday 9th November, 2011 editorial condemned the action of LASIEC. It is necessary to quote the editorial at length for purpose of clarity and thorough understanding of the issue,

The Lagos State Independent Electoral Commission (LASIEC) is now in the eye of the storm, following the declaration of the Action Congress of Nigeria (ACN) as the overall winner of the last local government election in Lagos State. Ordinarily, the protestation and complaints of the declared losers in this election could have been regarded as part of the traditional rigmaroles of politically-vanquished individuals, but the cogency of the issues raised by the affected losing parties makes the controversies that have trailed the conduct of the Local Council election in Lagos State a subject of keen debate and thorough scrutiny

...The allegation of rigging, ballot box snatching, intimidation and alteration of figures which has been levelled against LASIEC and by extension the Action Congress of Nigeria (ACN), by other participating parties and even neutral observers should be a source of embarrassment, not

only to the State's electoral body but also to the ACN which has always prided itself as an apostle of electoral purity.

For instance, the Chairman of LASIEC has maintained a studied taciturnity on the damning allegations that he announced the results in the Commission's office in Yaba on Monday evening, thereby violating section 5(1)-8 of LASIEC law which stipulates that results should be announced at polling units or collation centres.

As directed by LASIEC itself, some results which were declared at the collation centres were upturned by the electoral body. For example, the election results in Badagry Local Government, according to reports, were announced by the returning officer, Mr. Tokunbo Fatoyinbo in conformity with section 5(1)-8 of the LASIEC Law, where the Peoples Democratic Party (PDP) candidate, Tobi Dada scored 7,353 votes to defeat the incumbent ACN Chairman, Hustode Moses, who scored 6,383 votes. To the chagrin of many discerning and even casual observers however, the Chairman of LASIEC, on Monday reversed the result and declared Mr. Moses as the winner of the election. This allegation of fraud, coupled with other electoral manipulations levelled against LASIEC by the opposition parties should, in the interest of democratic spirit be investigated to unearth the truth. Keeping mute can only bring to question, the credibility of LASIEC and even soil the image of Action Congress of Nigeria (ACN) itself.

The beauty of democracy is the opportunity it affords the competitors to either win or lose with the sovereign voice of the electorate through their votes. A situation where the will of the people has become endangered with the alteration of election results and bare faced intimidation is visibly anathema to the spirit of democratic norms and values. (Nigerian Tribune, Editorial, November 9, 2011)

Furthermore, a key element of local government is financial autonomy. Financial autonomy of the local government entails the "freedom to impose local taxation, generate revenue within its assigned sources, allocate its financial and material resources, determine and authorize its annual

budgets without external interference” (Okafor, 2010). Indeed, democratic local governance may prove to be an empty shell if a local authority has limited or no revenue-raising powers. This is, however, another area of controversy around local government autonomy, which the 1999 Constitution has created. The first culprit is the State Joint Local Government Account (SJLGA), which was introduced through an Act of the National Assembly known as “Allocation of Revenues (Federation Accounts etc) Act, 1981 (Daily Trust, 2006). Specifically, Section 162 of the 1999 Constitution provides that in that account shall be paid allocations to the local government councils of the states from the Federation Account and from the governments of the states into that account. In other words, two streams of money should go into that joint account – Federal Allocation first and then the state government’s own contribution of revenue -into that joint account. The state governments have instead used the SJLGA mechanism (or account) to hold local governments’ hostage and make them appendages of the states. In effect, the operation of the SJLGA has denied local governments their financial autonomy.

Also, based on the provision of Section 162 (8) of the constitution, various state Houses of Assembly have enacted laws for the application of this said provision. However, evidence has shown that such laws are usually made to further compound the already distressed financial position of the local government council in Nigeria. For instance, in Borno State, the state House of Assembly enacted a law called Borno State Joint Local Government Account Distribution and Financial Committee Law 2002. A committee, whose membership was heavily skewed in favour of the state government, was set up to administer this account. The law empowers the committee to effect the following deductions – 3% of the fund must go to the emirate council, 15% for personal emoluments to those who are retiring in the local government council, 1% for training fund, 5% to be stabilizing account, 2% for administrative charge, 1.5% to the Department of Local Government, 0.5% to the departments of the local government council (Ubani 2013). As Dlakwa (2004 in Okafor, 2010) noted, by the time these disbursements have been made, a substantial percentage of the original allocation would have disappeared into the coffers of the state government. Between March 2002 and March 2003, a total of N13.3 billion was available to the councils in Borno State. Almost half of this

went to the state government through all the deductions (Dlakwa 2004; Ubani 2013).

Though Ursula (1961 in Olowu, 2007) argued that property taxes are most appropriate for municipal governments, the Lagos State government collects all such rates, using the Land Use Charge, based on tenement rates which are supposed to be a local council responsibility. The state How sincere the state government is in this respect is anybody's guess. Thus the governors are in total control.

The states governments are not, however, alone in this unconstitutional act. The federal government is a collaborator of the state governments in the venture of subverting the financial autonomy of the local governments. First, there is the deduction of multi-billions of naira by the Presidency from the monthly councils' Federation Accounts to pay primary school teachers (Olasupo 2001). Second, the federal government awarded contract for the construction and equipping of 774 comprehensive health care centres across the country at the expense of the local governments. Third, local government federal allocations were deducted from source to purchase jeeps, not for the use of local governments but for police divisions in all the councils of the federation. This financial indiscipline involving the Association of Local Governments in Nigeria (ALGON) and the federal government is robbing Peter to pay Paul. Shortly after this, there was the contemplation, again, of another round of deduction from local governments' statutory revenue for the procurement of a new set of jeeps for the local government chairmen throughout the country (Olasupo 2001). It is simply irresponsible that ALGON, with the set objective of protecting the interests of the councils, could turn out to aid and abet unconstitutional acts against them. Fourthly, the federal government under the civilian dispensation made deductions from local governments' statutory allocation to maintain external debt servicing. These are absolutely federal government responsibilities transferred to local governments.

Lastly, Local government councils are therefore not blameless in undermining their own financial resources. Consequent upon volumes of petitions by individuals to the Senate Committee on State and Local Government Matters, which reviewed the performance of the 774 local government councils in the country, no fewer than 80 council chairmen

were referred to the police for theft of councils' funds. Other gross financial improprieties, for which they were arrested, ranged from contracts inflation, diversion of council funds to acceptance of kickbacks on contracts awarded by them since 1999 till date. The Fourth Republic's local government system is thus characterized by fluctuations, delays, diversions, deductions and embezzlements of local governments' statutory allocations (Olasupo 2013). All these have led to a significant loss in the autonomy of Nigerian local governments.

CONCLUDING REMARKS

From the foregoing analysis, the basic verdict must be that of a crisis of governance at the local level. The local government system has in fact been lifted above the people, with the concepts of local ownership and responsibility destroyed at the local level. The local government, as currently constituted, is responsible and accountable only to the higher levels of government. Thus, development, if any is hardly anchored on the felt needs of the people at the grassroots, as the machinery of democratic participation, consultation, responsibility, responsiveness, accountability, etc to the people have been undermined. As a tier of government, the autonomy which it requires to function and meets its constitutionally assigned responsibilities has been systematically eroded. This trend is reinforced by the 1999 Constitution that not only wipes out the autonomy of local governments but also provides for the series of confusions concerning the creation, tenure and financing of local governments, in the country as institution is facing today. To free the local governments from cumbersome bureaucracies, administrative complexities and constitutional impediments, there is a need to re-examine the state of the local government system under the current proposition.

PART TWO

PARTY POLITICS AND POLITICAL COMPETITION

POLITICAL PARTIES AND POLITICAL COMPETITION IN NIGERIA

Adedayo O. Olaleye, Joseph Ayo & Ikeji Arakeji

INTRODUCTION

Political parties originated in 12th and 18th century in legislative assemblies in Europe filled with aristocrats who were elected by male property owners. Over time these elites formed relatively stable political coalitions or legislative factions as they were sometimes called. These factions provided the foundation for the first organized political parties which developed in the late eighteenth and nineteenth centuries in the United States and Western Europe. Parties tend to enhance the legitimacy of the political system through their involvement in the political process. Parties attempt to simplify to a manageable level the range of issues and options presented to the public and in this process, they are usually in competition with one another, except in one-party political settings.

Such competition is often intense among political parties as they contend for the votes and loyalties of a fickle electorate (Sorauf 1968). Competition also takes place among the parties and the other politically inclined organizations, for example the competing parties and powerful interest groups for the attention and support of legislators or for the right to name candidates in a primary election. In this process political parties tend to behave as aggregators or mobilizers of influence in the competition for the same goals and resources, not only among themselves, but also in competition with a mixed array of other political gladiators. This paper attempts an evaluation of the intricate relationship of political parties

in their attempt to outwit each other in the process of their struggle for political space and power in Nigeria.

THEORETICAL FRAMEWORK

The Theory of Games

This study is anchored on the theory of games. A game is simply a conflict situation which is carefully and unambiguously defined, and not necessarily a game in any of its more commonly understood senses. The theory is by no means exclusively related to parlour games such as card games. The theory of games is a body of thought dealing with rational decision strategies in situations of competition, where each participant or player seeks to maximize gains and minimize losses (Plano, Riggs and Robin 1982). The theory was first developed in the 1920s by Emil Borel and espoused in 1944 by John Von Neumann and Oscar Morgenstern.

The analogy of political competition with sporting event is apt. In sporting events for example football, there are players who participate directly in the game; the spectators who cheer the team as interested observers; as well as those who do not attend the event because they are passive. So also in politics the identified groups are at play, though politics differ from sporting events, because political activities reflect on and affect every member of the society. In the political game it is the spectators that determine to varying degrees who wins.

In the theory of games the strategy and decisions of one player depend on the strategy and decisions of the other player(s) in the competitive situation. The theory assumes “rationality” on the part of the players in ranking their preferences, estimating probabilities and determining the expectations that each has about the other’s choices. Games situations may be described as “two person, zero-sum” in which one player’s gain equals the other’s loss; two person, non-zero-sum” in which losses need not equal gains and both players may win or lose; “n-person, zero-sum” in which several players are involved and in which losses must be equal gains; and “n-person, non-zero-sum” in which losses and gains need not be equal. Games theory relies heavily on the use of mathematical models of decision structures. The possible outcome for a two-person game are commonly represented by a *payoff matrix*, consisting of numbers arranged

in rows and columns to indicate the degree of preference assigned by each player to each outcome. Such numerical indicators are called *utilities*. The outcome of a game is determined by each player's selection of a strategy, i.e., a set of rules specifying the choice he or she should make for every possible contingency. The utility of the outcomes for each player corresponds to the numerical entries in the cell where their strategies intersect, when one strategy is represented by a row and the other by a column in the matrix (Nicholson 1970).

The theory is essentially prescriptive and not descriptive. It recommends a course of action, defined as rational, and then goes on to describe the consequences of such conduct. A descriptive theory describes what people actually do, whether an action is wise or foolish. It is a description of the world as it actually is, not as it might be if certain form of behaviour were adopted (Nicholson *ibid*). Strategy is a prescriptive study – that is, the study of how to achieve various objectives in war and, possible for this reason, the theory of games has seemed appropriate and been popular among strategists whom politicians are. It should be clearly recognized, however, that, if it is used in strategy or in any other prescriptive sense, the theory only tells one how best to achieve a given set of goals, for example winning an election. The theory of games has inspired much experimental work on how people actually behave in gaming situations, and it has also suggested the description of conflict situations in game theory form.

Game theory is a form of rational choice theory. It provides a conceptual approach to understanding how humans behave in conflict situations in general. Rational choice theory (or rational actor theory) in political science is derived from economics. Rational choice theory maintains that individuals behave in politics on the basis of self interest, seeking to increase their expected gains and minimize their expected costs and risks on the basis of their personal preferences (Sodaro 2007).

CONCEPTUAL CLARIFICATIONS

Political Party

A party is a body of men united, for promoting by their joint endeavours, the national interest upon some particular principle on which they are all agreed (Edmund Burke – cited in Brodie 2002). This definition has

been challenged both for its exclusion of women and for linking party so explicitly with principle or ideology. For La Palombara and Weiner (1966), a political party is a formal organization whose self-conscious, primary purpose is to place and maintain in public office persons who will control, alone or in coalition, the machinery of government. This definition may not, be of universal application, as it fails to deal with parties that rather than seek office, merely wish to educate the electorate and/or influence public policy. There is therefore a need for a modified definition as espoused by Satori (1976) that a political party is any group that presents at elections and is capable of placing through elections, candidates for public office. A political party therefore consists of a group of persons united in opinion or action, more or less permanently organized, which attempts to bring about the election of its candidates into public offices and by this means to control or influence the actions and policy of government.

Many other definitions are required to elucidate the purview of this concept as utilized in the context of this paper. Epstein, (1967), defines a party as any group, however loosely organized seeking to elect governmental office-holders and under a given label. Kapur (2002) contends that political parties serve as the motive force in crystallizing public opinion, and as the unifying agency which makes democracy workable. Duverger (1966) defines parties as structured articulated and hierarchical groups adapted to the struggle for power.

Heywood (2007) examines four main characteristics of political parties:

- i. Parties aim to exercise government power by winning political office.
- ii. Parties are organized bodies with a formal “card carrying” membership. Many social movements also have card-carrying members. Such movements differ from political parties as they do not contest elections, in addition to other ways by which they can be distinguished.
- iii. Parties typically adopt a broad issue focus, addressing each of the major areas of government policy.
- iv. To varying degrees, parties are united by shared political preferences and a general ideological identity.

FUNCTIONS OF POLITICAL PARTIES

(i) *Mobilization function*: Political parties serve three masters; their leaders, their members, and the broader public. This is reflected in some of the definitions offered to define the subject – Powell's position exemplifies the following: Administration; representation; elite formation and recruitment; and goals formulation.

(ii) *Interest Articulation and Aggregation*: In the process of developing collective goals, parties also help to articulate and aggregate the various interests of members of the society. Parties often develop as vehicles through which business; labour, religious, ethnic and other groups advance or defend their various interests.

(iii) *Socialization and Mobilization*: Parties are agents of political education and socialization through internal debate and discussion, as well as campaigning and electoral competition. Political agenda are set and the values and attitudes that they articulate become part of the larger political culture.

(iv) *Organization of Government*: Complex modern societies could be ungovernable without political parties. Parties help with the formation of governments in all party driven systems. Parties also give governments a degree of stability and coherence, especially if the members of the government are drawn from a single party and are therefore united by common sympathies and attachments. Parties facilitate cooperation between the two major branches of government: the legislative and the executive. Parties provide in competitive systems at least, a vital source of opposition and criticism, both inside and outside government. Parties broaden political debate and educate the electorate which helps to ensure that government policy is more thoroughly scrutinized and therefore more likely to be workable.

PARTY SYSTEMS

A party system is a network of relationship through which parties

interact and influence the political process. Party systems shape the broader political process in various ways. They influence the range and nature of choices available to the electorate, and affect the cohesion and stability of governments. They structure the relationship between the executive and the legislature, establish a bias in favour of either conflict or concerns and shape the general character of the political culture. The major party systems found in modern states are:

The One Party System: It is generally recognized that in a country with a one-party system, the party is in fact the organ of government rather than a voluntary associations of voters; it is thus a complete denial of everything for which democracy stands. Single parties in contemporary dictatorships have come to power by revolutionary means. There is wide-spread claim that a one party-system aids the development objectives of African states.

Two-party system: It consists of two major parties, of comparable political strength and influence, and a few minor parties that are too small to have much influence on the result of an election though occasionally the third party may spring up, threaten to, and sometimes does, supplant one of the two major parties. One of the major parties, known as the majority party assumes the reins of power and conduct public affairs while the minority party stay's in the opposition to assume the function of careful examination and criticism of the government policies. Both parties compete for the approval of the majority of the electorate.

The Multi-Party system: There are usually several parties of varying strengths and orientations. Each stands for a definite policy on one or a number of important issues, usually without equivocation or compromise. In a state with a multi-party system, each voter supports the part which most nearly represents his own opinions. The multi-party system is defective, in that usually no one party can obtain a majority. Government must rest on coalition or blocks, and these are notoriously unstable.

POLITICAL PARTICIPATION

Political participation refers to the voluntary activities by which

members of a society share in the selection/election of leaders and directly or indirectly in the formulation of public policy (McClosky, 1968; Dowse and Hughes, 1985) cited in Mbah, (2007). Participation is at the centre of the democratic idea and it explains the extent to which individual members of the society share, take part, or get involved in the life of the society. Democracy cannot be conceived either in theory or in practice without the creation, recognition, encouragement and expansion of the opportunities for participation (Anifowose and Enemuoh 2008). In western democracies, political participation is a right of citizens, but rarely is participation clearly defined (Maclean and Wood 2001). Policies are more likely to be sustainable when they receive popular understanding and support, most especially when women, youths and minorities have input into governmental decisions and are also be provided with mechanism through which unfavourable policies are contested and protested against.

Obstacles to political participation

The Directorate for Social Mobilization (MAMSER) (1989), contends that the obstacles to political participation in Nigeria include:

Economic Obstacles: Party registration is monetized, only those who are very rich will float parties. The masses are left in the cold as they cannot own their own parties. They are forced to join parties where they have little say and their interests are not fully represented.

Nature and workings of political parties: In Nigeria the money bags contribute to party funding and their nominees are given offices. Poor members who worked tirelessly for the party are rarely recognized in the sharing of appointments and other “dividends of democracy”. The parties are dominated by the rich or the “god fathers”.

Discrimination against Women: This is an institutional obstacle to popular participation. It is believed that women should always take the back row. Women form more than half of the total population of the country, yet this has never been translated into recognition. Very few of them are appointed into sensitive political positions and a negligible number of them seek elective positions because of many inhibitions they often confront: for example, holding late night meetings, introduction of thuggery, excessive use of money etc.

Illiteracy: A large percentage of Nigerians particularly in the northern

states are illiterates. This mass illiteracy contributes largely to the unhealthy nature of our politics and political participation. Our leaders take delight in allowing many to remain illiterate, as this people form the core of those they can recruit to fan the embers of violence during electioneering.

Degrees of Participation

Political participation and competition are closely connected as in the theory of games the participants are linked in three concentric circles which can be distinguished as:

(i). *The Electors*: This is the widest group of participants. They vote for the candidates put forward by the parties at local and national elections. They constitute the interested observers in the game of politics.

(ii). *The Supporters*: This is the second circle, a loose term for a vague concept corresponding none the less to a reality: the supporter is an elector, but more than an elector, he acknowledges that he favours the party; he defends it and sometimes he supports it financially; he even joins bodies ancillary to the party.

(iii). *The Militants*: This is the innermost circle-(the Caucus). They consider themselves to be members of the party, elements in the party community; they see to its organization and its operation; they direct its propaganda and its general activities. The “caucus-men” of the cadre parties are militants.

POLITICAL COMPETITION

Political competitions takes place at three levels according to Sorauf (ibid).

- i. Among the individuals, groups and factions within the political party;
- ii. Between and among the parties in the ‘party system’; and
- iii. Among the parties and the other political organizations (e.g., interest groups followers, local political elites, ad hoc issue or election groups).

For what do they compete?

(i) For political resources: for money, for skills and expertise, for the efforts of men and women committed to a political goal. These inputs are essential for the fuelling of organisational activity but none of them is in abundant supply in any polity.

(ii) Secondly, they compete in the mobilization of the broader citizenry of a nation behind political goals. They may and do differ, in the ways in which they mobilize adults. Some mobilize through the contesting of elections, and thus the selection of the decision-makers of government; others mobilize significant aggregates of influence by propagandizing, an issue position or an ideology; others by bringing influence to bear on the making of public policy.

ETYMOLOGY OF PARTY COMPETITION IN NIGERIA.

Party Competition: First Republic

This can be examined historically or schematically and analytically, (Dudley 1985). Even though we had series of parties there were three main parties during the First Republic. All other parties were affiliated to one or the other of the major parties: Action Group (AG); National Council of Nigeria and the Cameroons (later National Council of Nigerian Citizens) (NCNC) and Northern People's Congress (NPC). It is possible to evaluate party competition then as a three person game. One can examine whether all the parties were of equal weight.

$$\begin{array}{ccccc} \text{NPC} & & \text{NCNC} & & \text{AG} \\ \text{W(P)} & = & \text{W(Q)} & = & \text{W(r)} \text{ [PvQvR]} \end{array}$$

If it is the case that they were of equal weight, within a 3 person game we shall expect that:

- i. any form of minimum winning coalition is possible and probable; and
- ii. no minimum winning coalition will be stable.

It will not be stable because however we define, and whatever payoff vector we define for any minimum coalition, we can always define another payoff vector which dominates whatever we have. The only possible coalition which is stable in this type of three-person game would be a "Grand

Coalition”.

If we have a situation in which:

$$\begin{array}{lclcl} W(P) & > & W(Q) & > & W(R) & \text{OR} \\ W(P) & = & W(Q) & + & W(R), \end{array}$$

The possible conditions we can have are:

$$W(P) > W(Q) > W(R)$$

$$P = (QR)$$

$$P > (QR)$$

$$P < (QR)$$

When a grand coalition is considered, no vector can be defined that could dominate the other. If the 1959 general election is considered on rational grounds the best winning coalition would be an AG/NCNC coalition:

NPC	134	Seats
NCNC	89	Seats
AG	73	Seats
Independent	16	Seats

This type of coalition Caplow (1968) will call a “*Revolutionary Coalition*”. What we had in fact in 1959 was an NPC/NCNC coalition which according to Caplow was a “*Conservative Coalition*”. If there was a coalition between NPC and AG, Caplow would have called it an “*Improper Coalition*”. As in the case of a “*Revolutionary Coalition*” the payoff to both parties would be greater. We cannot question why NCNC joined the NPC because it had been given by the definition in its choice of a coalition partner. To do otherwise would have resulted in rocking the boat of the nation.

Even though the behaviour was not seen as rational, one would apply to a synoptic theory, for if the revolutionary coalition were to be formed then, it could have ended in the polarization of Nigeria’s politics – South versus North. In 1951 we had a government of NPC/NCNC but at the decision-making level, we had NPC, NCNC and AG. During the period 1951-1953, NPC = NCNC + AG. Since the rule said there should be maximum coalition at the cabinet level there was no problem. If we had this situation of NPC/NCNC or NPC/AG, any resolution could be carried by a maximum understanding of any of the two but if we had AG/NCNC

type of understanding there would have been a stalemate, simply because NPC + NCNC+AG, hence NPC would become a veto in the House of Representative. For example, understandings could work, but NCNC/AG understanding brought a stalemate in the "Independence Motion 1956".

To Dudley (1985), for the system to be stable there were 3 possible ways:

Unanimity	=	NPC/NCNC/AG
Understanding	=	NPC/NCNC
Understanding	=	NPC/AG

The structure that existed from 1951 collapsed in 1953. Once it became impossible to have a working coalition in parliament, one party was polarized leaving the NPC to remain a "*Blocking Coalition*". It became impossible to work on a simple-plurality decision rule. A Blocking Coalition is a Non-Coalition. Thus a new system was needed.

Between 1950 and 1953 it was the Regional governments which sent representatives to the federal parliament. By this period NCNC had about 2 times what NPC had NCNC could thus push its policy to fruition in the cabinet. Whatever it did not support at the cabinet could not hold. It did become a dictator in the cabinet. This was the time the NCNC had the majority in the Western and the Eastern Houses of Assembly. In the House of Representatives where the NPC = (NCNC+AG), NPC was a dictator because it had the veto. We had a situation that even though the NCNC could push its policy through in the cabinet, it could not go through in the House of Representatives unless the NPC supports it. The paradoxical effect then was that if the NCNC wanted to get its policy through in the cabinet it should go through the NPC.

To solve the problem, the only means was by bringing in the AG into the cabinet. This situation can thus be looked into in a two triad system with NPC occupying a nodal strategic position.

This communication net could be changed only by bringing in the AG because as the structure stands it is not possible to communicate between any two points without going through 3 which is the NPC. The question was not the date for independence rather it was the 1955-1960 Development Plan. By 1957, there was a Grand Coalition of the NPC/NCNC/AG and things started to change by 1958. Owing to the Constitutional

Conference we had a system whereby representatives at the centre had to be based on population.

By the 1959 election, no party had an absolute majority to form the government. Before the whole results were out, the Governor General had called on the NPC to form the government, thus forestalling any probability of an NCNC/AG coalition. However, if the East and West had decided to come together, they could have defeated the NPC. Three possible coalitions could be achieved as stated earlier. It was not possible to have an AG/NPC coalition because:

- i. The election strategies of the AG had really offended the religious sensibility of the Northerners;
- ii. The north thought the west was breaking the law of the arrangement of "Regional Security".
- iii. The north believed that part of the money used for the campaign for the election came from Nigersol and therefore from Israel; hence the west became an unacceptable partner.

The East became the most favoured partner. NCNC was prepared to join any coalition; hence the NCNC could be seen as a Conservative party. By 1961, the NPC had become a dictator because of the margin of control, the floating parties and independent candidates having joined the party.

The Collapse of the First Republic and Party Competition in the Second Republic

Two broad coalitions contested the 1964 general elections:

The Nigerian National Alliance (NNA) versus The United Progressive Grand Alliance (UPGA). The two parties represented two forces and an antithesis. Dudley (1985) argues that; the conflict between UPGA and the NNA was to be presented as the antithesis between the forces of enlightenment and those of reaction; represented in this instance, by the 'South' and the 'North' respectively- the 'South' for the progressives and the 'North' for the conservatives. The emotional situation at the time led to the breakdown of violence in the West. The code of conduct agreed upon to guide the December 1964 election was observed in the breach and this led to greater violence. Candidates of the NNA were declared unopposed in the North, the West and in the Midwest. The UPGA had earlier announced a boycott of the election but this was ill-organized. Only

in the East was the boycott effective. Against all odds the chairman of the electoral commission went ahead to announce the results of the ill-fated elections with the NPC 'winning' as expected 174 constituencies in the North, the NNDP won the majority in the West while the NCNC won majority in the Mid-west. Balewa, the leader of the winning coalition was called to form a government by the President.

Though there were some skirmishes and a stalemate, these were resolved on the understanding that:

- i. Such a government was to be a 'broad-based government', that is, it was to include, where ever possible, representatives of the two competing alliances.
- ii. The 'boycotted' elections in the Eastern region were to be rescheduled for March 1965, after which the NCNC members would be appointed to the government;
- iii. There should be election to the West Regional Assembly in October 1965, no doubt intended to test the legitimacy of the NNDP.

The problem arising from the 1964 General election thus led to the seeking and bargaining for the loyalty of the armed forces by both the president and the prime minister. This situation only succeeded in making the armed forces ultra-conscious of the blurred boundary lines separating the 'military' from the 'civil' and the 'legal' from the political arena. In the struggle for personal survival, both of them, perhaps inadvertently, made the armed forces aware that they had a political role to play and so paved the way for the military coup which followed in 1966. Both men, in different ways, ended up subverting the constitution they were under an obligation to uphold. In the same way, the judiciary was critically weakened. Violence broke out after the Western regional elections which were 'won' by the NNDP.

Political party competition during the Second Republic can be likened to a reincarnation of the zero-sum political game of the First Republic. Though there were five political parties namely: Unity Party of Nigeria (UPN); National Party of Nigeria (NPN); Nigerian Peoples Party (NPP); Great Nigeria Peoples Party (GNPP); and The Peoples Redemption Party.

PARTY IDEOLOGICAL POSITIONING

The 1979 elections demonstrated the level to which political parties can go in ensuring victory at elections. The elections saw the re-incarnation of the old conflicts between the NCNC and the AG as the ethnic groups voted accordingly, the Yorubas for the UPN and the Ibos for the NPP. Dudley asserts that if the voter support for the UPN and NPP leads one to see these parties as ethnically based parties the same thing can hardly be said of the GNPP and the NPN. The GNPP votes more or less were a protest vote against the hegemonic hold of the political terrain of the north. Of the other parties, the PRP's ideological commitment was more likely to restrict its electoral appeal than win it widespread support.

Furthermore, Dudley states that the NPN won the presidential elections and it did so, essentially, on the minority vote. But that itself was made possible because of the creation of states. By dismantling the old structure of regional governments, the coercive machinery through which the regional governments manipulated the votes in the minority areas, was also destroyed, and if the 1979 elections proved anything at all, it was that no party can win ultimate political power without the active support of the minority areas or states. The variable 'state' has become a significant factor in the geography of Nigerian elections.

The 1983 elections marked a watershed in the annals of political competition in Nigeria. The results of the presidential election in which the NPN won a 'landslide' victory surpassed the political 'abracadabra' of the 1979 elections. The resultant effect was the overthrow of the government by the military.

Political Competition in the aborted Third Republic

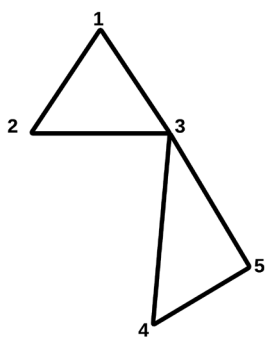
Political pundits are yet to agree whether Nigeria passed through what can actually be tagged as a Third Republic. This is not the focus of this paper, but for whatever it is worth there was a period of what could be regarded as a diarchy-(1991 to 1992) and the Third Republic. The nature and character of electoral contest during the aborted third republic in Nigeria depicted the two parties which were created during this time, the Social Democratic Party (SDP) and the National Republican Convention (NRC) as government babies. Their programmes, constitutions, structure,

election to executive bodies, membership, funds and organizations were undertaken and provided for by the government (Anifowose 1999). The rationale behind all this was to promote grassroots participation to forestall money-bag politicians from hijacking the party, but the implications of such arrangement were grave for the democratic process.

The motive behind it was for government to be able to manipulate and manoeuvre these parties and which culminated in the annulment of the freest and fairest election in Nigeria on June 12, 1993. The SDP consisted of the bulk of core members of the AG, NCNC, NEPU, UPN, NPN and NPP, thus a reincarnation of the political competition in the first republic. The party programmes were a little to the left in terms of favouring more public ownership and control of the economy (socialism). The NRC programmes favoured more private initiative and more state deregulation (capitalism). It paid less attention to free education and other social welfare policies.

Political Competition in the Fourth Republic (1999 till date)

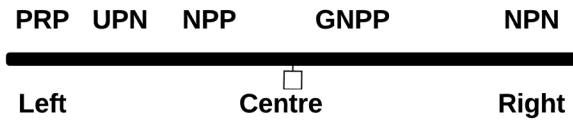
General Abdulsalami's transition transferred power to a new political leadership on May 29, 1999. Political party competition during the



Fourth Republic can be likened to a two person zero-sum game. Though there were more than fifty political parties only three and later six of the parties possessed any electoral value. These are the Peoples Democratic party (PDP), the All Nigeria Peoples Party (ANPP) and the Alliance for Democracy (AD); and later Action Congress of Nigeria (ACN); All Progressive Grand Alliance (APGA) and

Congress for Progressive Change (CPC). Obasanjo became President on the platform of Peoples Democratic Party (PDP); making Alliance for Democracy and All Peoples Party to be in the opposition. From 1999 to date in Nigeria, more than 60 political parties and associations have been formed.

The proliferation of political parties in Nigeria in the Fourth Republic can be attributed to many factors including ethno-religious and minority



crises that have engulfed the nation. In reality, the problems facing Nigeria emanate from the irrational behaviour of the political elite, politics of division and politics devoid of political ideology, which have combined to trigger the public protest, carpet crossing and political assassination witnessed in Nigeria's Fourth Republic.

In the Fourth Republic 57 got registered for the 2007 election. With many of them irrelevant and without grassroots support, following the elections, only six of them had representatives in the National Assembly. These include: the ruling PDP, which won about 70 percent, the ANPP which won about 17 percent mostly in the north, the Action Congress (AC), trailing just behind the ANPP and winning most of its seats in the south-west of the country. The All Progressive Grand Alliance (APGA), the Labour Party and Progressive Peoples Party (PPA), picked up the remainder of the electoral seats in the south-east and the south-west. Meanwhile the AD was factionalized, with an important group leaving to become part of the ACN in 2006.

The situation in the 2011 general elections contradicted the expectation that the rich and poor political parties would have equal electoral opportunity to win elections. In contrast, political offices in Nigeria appear to be reserved for the highest bidders. However, many Nigerians who have sweated for their wealth are generally not interested in active political offices, especially if they have to burn their hard-earned wealth to achieve such offices. On the other hand, those who are stupendously rich and who subsequently become interested in elective political offices usually make their money back through unscrupulous means in the political processes. Such persons can buy political offices, but lack the proper actions, sound and current principle to lead the country to where it should aspire (Kelsey and Witkoft, 2002, Lipset 2005, cited in Atere and Akinwale, 2006:142).

It is amazing to note that never in the history of political party competition had there been a situation where a defeated candidate agreed and congratulate the winner. Since electioneering from the first republic, candidates and parties had shifted the completion to the law courts. The

judiciary had become so politicized that all losing parties condemn it once the judgment fail to favour them.

CONCLUSION

Political parties and other political organizations compete for scarce political resources with which to mobilize political influence to capture the scarce rewards of the political system. Where political competition is controlled or non-existent, the aggregation of many interests still takes place within parties, but the groups that are aggregated (such as unions, business organizations, and consumers) are mobilized to accept the party platform whether they support it wholeheartedly or not. Parties in Nigeria consciously seek to organize the electorate by recruiting candidates, organizing campaigns, assisting voters with registration, arranging child care on polling day etc. They also help to stimulate policy development through conventions, workshops, and debates. They could build bridges between disparate communities within society and help to balance competing interests. These functions may be performed more or less self-consciously in the pursuit of their own objectives.

Conventional wisdom might suggest that one way of matching the reality of actual behaviour to the ideas of the constitution could be to alter radically the electoral system, for instance, in the direction of a system of proportional representation based, say, on a list format. The rationale for this is not far to seek. A list system could encourage parties when composing the slate of candidates to make a more 'balanced' choice, if only to escape the accusation of ethnic or local bias. In principle, it should be possible by such an approach for an Ibibio person to find himself sitting in the Oyo state Assembly and an Urhobo likewise sitting in the Sokoto state Assembly (Dudley 1985).

THE 2003 GENERAL ELECTIONS

Bamgbose J. Adele

INTRODUCTION

Since the 1990s that the wave of competitive multiparty elections blew across Africa, Africans have embraced democratic transition. However, transition from one party system and military dictatorship to multiparty democracy is not new in Africa especially as Nigeria's founding fathers had expressed their love for democracy long before this time (Akintunde, 1967:13). Within this African democratic experiment exists seven models of transition (Richard, 1991:11). These variants are the national conference; government change via democratic elections; co-opted transitions; guided democratization; recalcitrance and piecemeal reforms; armed insurrections culminating in elections and conditional transitions.

The National Conference transition is where the government has been confronted with consistent demands for sovereign national conference that results in a change of leadership. The classic case in this category was the event that took place in Republic of Benin in February 1990. This resulted in President Mathieu Kerekou's removal from the control of public policy, the establishment of a transitional government, and the formulation of guidelines for multiparty elections. Other countries confronted with consistent demands for a sovereign national conference include Nigeria (Olumide and Akinola, 2012:19), Togo, Niger and Madagascar.

The government change via democratic elections is another form of democratic transition. However, the argument that no African country except the Indian Ocean island of Mauritius had experienced the change

of government via elections in the post independence period is no longer tenable. Between January and March 1991, the Portuguese speaking West African island nations of Cape Verde and Sao Tome and Principe had witnessed the removal of single party governments through popular balloting. The widespread democratic practice in many African countries has demonstrated that democratic movement in Africa has come of age.

There is also co-opted transition. With this model, the President may make a move to invite leaders of the major opposition parties to join his government. The former Senegalese, President Abdou Diouf made a bold move of inviting opposition parties to join him. Similarly in Nigeria, after the 1959 elections, the idea of government and opposition arrangement was adopted (Adamolekun, 1985:8). Co-opted transition helps to broaden government rather than destroying it by subjecting it to a more political competition.

Guided democratization is the one in which a military regime retains virtually complete control of the process, and such transition is usually complex and deliberately prolonged. Mali and Nigeria represent examples of such demilitarization (Valerie, 1974:13). In November 1963, the Malian military removed Modibo Keita and his *Union Soudanaise* government. The coup plotters, led by Lieutenant Moussa Traore formed the *Comite militaire de liberation nationale* or Military Committee of National Liberation (MCNL). For the first few years, there was little discussion in public of a return to civilian rule. Traore insisted that the Malian military had a job to perform before power could be handed over to civilians. Four years after the coup did Traore announced that the military was contemplating the return of civilian rule. With respect to Nigeria, General Ibrahim Babangida became the head of state and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, on the 27th August 1985 following a successful overthrow of General Muhammadu Buhari. As the head of the Armed Forces Ruling Council, he supervised the management and conducted the affairs of Nigeria for 8 years until he 'stepped aside' on August 26, 1993 (Akindele, 1998:196) without a tangible transition to civilian rule.

The recalcitrance and piecemeal reforms has the tendency to agree to convene a constitutional assembly leading to multiparty elections. The overthrow of President Moussa Traore of Mali in 1991 glaringly

demonstrated this. Traore felt reluctant to quickly organize a transfer of power as himself pointed out that:

It was not enough to free the Malian people from a dictatorial government; it was also necessary to secure better living conditions for them. When this mission was fulfilled it would be time to 'think of returning to a constitutional government' (Valerie, 1974: 13).

This attitude made his military colleagues to depose him and therefore allowed opposition to plan a national conference with a view to reintroducing a multiparty democracy. Paul Biya also demonstrated such vacillation. Rather than embarking on measures that will quickly bring transition to an end, he started in a piecemeal form by lifting press restrictions, permitted opposition parties to operate, and granted amnesty to political prisoners. The opposition became dissatisfied with these reforms (Richard, 1991:16.)

The *armed insurrection culminating in elections* is another form of transition. There are countries in the world in which democratization may provide the exit for armed conflict. The lack of any constitutional means of attaining democratic and majority rule created an avenue for armed struggle (Ali and Michael, 1984:135). The armed struggle in Angola was a natural result of the failure of peaceful protest in 1960. In June, the People's Movement for the Liberation of Angola (MPLA) presented a petition to Lisbon appealing for a peaceful position to the demand for political reform. The reply of the Portuguese government was to arrest the MPLA leaders and to have Antonio Agostinho Neto publicly flogged. Other countries in Africa where similar thing had taken place included Mozambique, Zimbabwe, Namibia, Mali and South Africa.

The last of these variants is the *conditional transitions*. The greatest fear of the democratic movement in many African countries is that, the ruling regimes often find pretexts for cancelling or postponing the transition towards democracy. The Nigerian political system stands as a good example for this as this had twice taken place in Nigeria. Gowon decided contrary to his 1970 broadcast, that his regime would not disengage in 1976 (Dare, 1977:75.) In the same manner, Babangida who became the Head of State of the Federal Republic of Nigeria on 27 August 1985 and having set up programme for handing over, eventually annulled the 1993 election that should have finalized his transition programme (Claude, 1995:600.)

It is within this context of democratization that Nigeria found herself

in May 29, 1999. But Nigeria's transition within the period under review falls within guided democratization since this was virtually controlled and carried out by the military. Nigeria's Fourth Republic properly started in May 29, 1999 when former military ruler, General Olusegun Obasanjo, elected on the PDP platform, was sworn in as the President and Commander-in-Chief of the Federal Republic of Nigeria. At the end of the first phase of the Fourth Republic, the country's political history matched towards another phase which began with the 2003 general elections, an exercise that marked a successful completion from one civilian administration to the other. Commenting on the elections, Peter Lewis stated that:

Nigeria's recently concluded elections may mark a watershed in the troubled political history of Africa's largest country. Since independence in 1960, no civilian government has successfully completed the passage from one administration to another. Twice previously – in 1965 and 1983 – elections under the control of the nation's political class degenerated into violence and fraud, forfeiting democratic legitimacy and giving way to military intervention. Nigerians therefore approached the 2003 elections, the first to be run by civilians since the transition from military rule four years earlier, with a mixture of hope and trepidation (Peter, 2003: 131.)

The chapter therefore considers the 2003 general elections. Against this backdrop, the paper is divided into four parts, preparations towards the 2003 general elections, party politics and political assassinations, the conduct of 2003 general elections, and lastly, election monitoring.

PREPARATIONS TOWARDS THE 2003 GENERAL ELECTIONS

Even though as Naomi Chazan has rightly pointed out that, 'Elections in Africa, after the initial euphoria associated with political activity during colonization, quickly came to be viewed as meaningless political rites performed to grant periodic legitimating for aspiring one party regimes' (Naomi, 1979:136), yet political parties are necessary for democratic experiment. The need for this necessitated the formation of about fifty (50) political associations in one month towards the registration of political

parties. Of these, thirty-one (31) of them collected registration forms from Independent National Electoral Commission (INEC). INEC granted provisional registration to nine of the political associations. These nine political associations were further subjected to screening to know those that would get permanent registration. Subject to this, they were required to get 10% of votes in at least 24 states by December 5, 1998 Council polls. However, before the election, this standard was lowered to five per cent in at least 24 states with a view to registering a third political party. Thus after the December election, the People's Democratic Party (PDP) and All People's Party (APP) satisfied the requirements without much stress while Alliance for Democracy (AD) got five per cent of vote in 13 states. Based on this performance, (INEC) allowed the certification of the three mentioned associations as political parties (Peter, 2003:132.) These three paraded themselves as authentic political parties during the first phase of the Fourth Republic. Thus MDJ, UPP, NSM, PRP, UDP, and DAM were not given any recognition. Since mankind is insatiable, the opinion poll conducted by The Guardian in the country's six geo-political zones showed that 675 respondents representing 57.30 per cent out of 1178 sampled wanted more political parties to be registered, 321 representing 27.25 per cent did not want more political parties to be created while 163 or 13.8 per cent did not offer any commitment (Bamgbose, 2002: 111.)

The revised guidelines for registration of political parties paved way for the registration of more political parties. Thirty-seven (37) political associations collected registration forms from (INEC). Of these, 33 rejected the INEC guidelines claiming that the electoral body's guidelines were not value free. They rejected the guidelines as draconian, undemocratic and unconstitutional and thus charged that any guidelines outside the 1999 Constitutional provision would not be accepted (Okoh, 2005: 29.) The representatives of the associations chose to seek redress in an Abuja High Court. The court ruled out some of the guidelines. It was amidst this situation that INEC registered three more political parties, that is, All Progressive Grand Alliance (APGA), National Democratic Party (NDP) and the United Nigeria People's Party (UNPP).

Unsatisfied with the registration of only three political parties, five of the unregistered political associations led by Chief Gani Fawehinmi took the matter to the Appeal Court challenging the constitutional validity of

INEC's guidelines that rejected their application for registration. Some of the guidelines of INEC were dismissed by the Court of Appeal. INEC took the matter to the Supreme Court for proper interpretation of the Electoral Act vis-à-vis the constitutional provision. The outcome of the Supreme Court was that, on November 8, 2002, it struck out all other guidelines and upheld only the conditions of Section 222 of the 1999 Constitution as the only requirements for party registration. For more clarity, this section 222 of the 1999 Constitution stated that no association by whatever name called shall function as a political party unless:

- a. The name and addresses of its national officers are registered with the INEC,
- b. The membership of the association is open to every citizen of Nigeria, irrespective of his place of origin, circumstances of birth, sex, religion or ethnic groupings,
- c. A copy of its constitution is registered with INEC as prescribed by it,
- d. The headquarters of the association must be situated in the Federal Capital Territory, Abuja.
- e. The name of the association, its logo does not contain any ethnic or religious connotation or give the appearance that the activities of the association are confined to a part only of the geographical area of Nigeria (Okoh, 2005:28.)

However, in conformity with this ruling, INEC registered another 22 political parties (Adeniyi, Ogbodo and Ndujihe, 2002:34.) An additional two political parties were registered later to bring the parties to 30 (see appendix one.) These thirty political parties were thus registered before the April 2003 General Elections. Surprisingly, many of the political associations which got court approval to form political parties could not field candidates for the elections because financially and logistically, they were not yet ready for the type of organization and campaign required for a general election in Nigeria (Browne, 2003:58 and 59.)

The flaws that characterized the 1998 voters' registration which were used for the 1999 general elections had not been rectified before the 2003 general elections. These flaws marred the 1999 general elections. Darren Kew expressed these shortcomings in the 1998 voters' registration when

he stated that:

Voter registration in October 1998 resulted in 57 million Nigerians registered. With approximately half of the nation's 110 million citizens under the age of 15, a legal voting age of 18, and the normal difficulties in getting people to participate, with a flawless process, Nigeria could expect to register 40 million voters. Thus, the country was awash in at least 12 million to 17 million phantom voter cards before the first ballot was cast (Darren, 1999:30.)

Nigerian government was not however prepared for the transition towards the 2003 general elections; and as Peter Lewis put it, 'The first half of 2002 also saw the beginning of a chaotic voter-registration process.' (Peter, 2003:141.) The review of voter's register was initially slated by INEC to take place in April 2003, but the exercise was shifted to July and later to September 2002 (Orji, 2004: 34.) The Punch Newspaper exercised fear of the possibility of coming up with an authentic voters' register, 'There are worrying indications that the INEC may be unable to provide a timely and authentic voters' register.' (The Punch, 2002: 14.) Again Abel Guobadia, INEC's chairman put part of the problems succinctly thus:

It's true that as of this time last year (April 2002) we were expecting funds that we thought we should have gotten in the year 2000. If we didn't get in 2000, we should at least have gotten it by 2001. So up till this time last year, we were really worried. We felt bad that our activities were being put on hold because of lack of sufficient money (Darren, 2003:11.)

Before the registration started, INEC had been assisted by the National Population Commission (NPC) by supplying it with a projected figure of 59.58 million eligible voters. Besides, INEC provided over 70 million forms. The exercise itself was later conducted between September 12 and September 22, 2002 and was later extended by one day. Of the over 70 million forms provided, 67,829,762 application forms were distributed for use, but 60,823,022 voters were regarded valid by INEC while 7,006,740 voters were regarded invalid due to multiple registration (Okoh, 2005:

30.) The exercise across the country was generally characterized by acute shortage of registration materials in many of the 120,000 centres set up by INEC.

Many registration centres opened days later than scheduled, if they opened at all, often forcing confused citizens to give up the endeavour. The ANPP chairman for the northeast zone claimed that one registration centre in Adamawa State registered only four out of 387 eligible adults in the village, while others who registered elsewhere found that they were deleted from the voter register when they came to pick up their voter cards. Chairman Guobadia himself accused local INEC staff of hoarding election materials presumably to sell to the highest bidder.

When INEC discovered its fault, it later announced that voters who could not get their cards could pick them up on the election day (Darren, 2003:11.) Even during the second round of the voters' registration exercise which came up in January 2003, during which the Commission claimed to have registered 61 million voters, the exercise was not free from complaints. In spite of the promise by the Commission that, it would display the voters' register as Section 10 of the Electoral Act 2002 stated that 'the Commission shall appoint a period of less than five days and not more than 14 days during which copy of the voters' register for which Local Government Area or Ward shall be displayed for public scrutiny and during which period any objections or complaints in relation to any necessary corrections shall be raised or filed.' ((Dung Pam, 2005:236.) INEC however failed to display the voters' register in some states.

PARTY POLITICS AND POLITICAL ASSASSINATIONS IN NIGERIA'S SIX GEO-POLITICAL ZONES

The advent of party politics especially that era that began since May 29, 1999 came with intense party competition with political assassinations. Towards the 2003 general elections, the degree with which people wanted to take part in politics became tremendously heightened and this tempo carried with it an unprecedented degree of political assassinations. Since the country's democracy is not founded upon a secure economic base, it cannot fulfill the expectations of its citizens. Unfortunately too,

the Nigerian aristocracy, petty bourgeoisie who dominated the Nigerian politics from the outset lacks the productive capacity. Fanon described this state when he declared that:

The national bourgeoisie which takes power at the end of the colonial regime is an underdeveloped bourgeoisie. Its economic power is almost nil, and in every case it cannot be compared with that of the metropolitan bourgeoisie, in whose place, it means to put itself. ... The national bourgeoisie in underdeveloped countries is not directed towards activities of an intermediary type.... The national bourgeoisie has the mentality of men of affairs, not of captains of industry (Post, 1964:175).

Therefore, those who were fortunate to rise to position of authority hold it tightly. The case of Robert Mugabe who has been in the helm of affairs for thirty-three years best describes this situation in Africa. The search for that political power resulted into competition. This competition paved way for elimination of opponents. Claude Welch rightly described this practice when he stated that:

In Nigeria, as in all African States, competition for political positions is high. Government is the main source of wealth and prestige. The multiplication of political units and parastatal corporations open new opportunities for enrichment. Segments of the Civil Service, armed forces, and political parties have been drawn into, and remain central to, the fray for resources. Those who want "in" to the system do so in corrupt ways (Ake, 1995: 595.)

Elimination of opponents in Nigeria's political system mainly stems from the salaries and allowances earmarked to political office holders. Each senator of the Federal Republic of Nigeria earns 15.18 million Naira in salaries and allowances monthly, while each member of the House of Representatives takes home 10.59 million Naira a month. Annually, each senator including the Senate President takes home about 198.54 million Naira. Each member of the House of Representatives takes home about 127.18 million Naira annually (9.76 million Naira per month) while his deputy gets about 16.80 annually (9.73 million Naira per month.) (Everest

and Ifeanyi, 2010:15.) (see Appendix 2 for more.) With these salaries and allowances, politics becomes a do-or-die affair. The desire to enter into politics became desperate and even those who are not qualified to enter into politics became lured into it because of what Dahl called direct gratifications and instrumental benefits (Dahl, 1984: 97.)

Few days to the 2003 general elections, it was no longer hidden that the country was on the brink of disaster due to unending violence and politically motivated assassinations. The analysis that will follow here will show political assassinations before, during and after the 2003 general elections in the country's six geo-political zones. The country's six geo-political zones are:

- a. South-West comprising Oyo, Lagos, Ogun, Ekiti, Osun and Ondo States,
- b. South-South made up of Bayelsa, Rivers, Delta, Akwa-Ibom, Cross Rivers and Edo States,
- c. South-East consisting of Abia, Anambra, Ebonyi, Enugu and Imo States,
- d. North-Central having Benue, Kogi, Kwara, Nasarawa, Niger and Plateau States,
- e. North-West made up of Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara States,
- f. North-East having Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States.

We shall begin this analysis with states in the South-West. In Lagos State, the first victim was Alhaji Adeniran Badejo Okusanya, the then Vice Chairman of Shomolu local government area of Lagos State. Okusanya was murdered in his house, alongside his 18-year old son, Segun. (Ade-seri, 2002:19.) In April 2002, Chief Layi Balogun, a former presidential aspirant under the defunct Social Democratic Party (SDP) was shot and killed at his Akoka, Lagos home by unknown gunmen. Similarly, Engineer Funsho Willians, a PDP gubernatorial aspirant in Lagos for 2007 and Chairman, Board of Directors of Nigeria Maritime Authority (NMA) was murdered on 27 July, 2006. Aside these, a number of politicians in Lagos had narrowly escaped assassination attempts. Among them was

the former Governor of Lagos State, Senator Bola Tinubu.

With respect to Ogun State, on 25 November 2002, the PDP gubernatorial aspirant in the State, Mr. Dele Arojo was trailed by unknown assailants to Egbeda, an outskirt of Lagos and killed on the spot. In Ekiti State, in November 2003, a member of the House of Representatives, Olu Talabi from the State was assassinated few months after his swearing-in (Odiaka, 2004:26.) Similarly, a member of Alliance for democracy (AD), Mr. Yemi Oni was assassinated in March 2003 while Dr. Ayo Daramola, a PDP gubernatorial aspirant was murdered in his hometown, Ijan Ekiti in Ekiti State. Also, on 3 March, 2003, Mrs. Emily Amope, an AD member in Ekiti State died after an acid attack. The acid was poured on her in December 2002.

On 19 December 2001, Mr. Odunayo Olagbaju, a member of Osun State House of Assembly was killed in front of Moore Police Station of the State while the assassination of the former Justice Minister and Attorney General of the Federation, Chief Bola Ige took place on 23 December 2001. In Ondo State, on 13 August 2002, Mrs. Janet Olapade, a PDP leader in Oniparaja of the State was clubbed to death. Mrs. Jumoke Anifowoshe, Ondo State Attorney-General and Commissioner of Justice suffered from attempted assassination.

In the South-South, Monday Tambari Ndor, a member of the State House of Assembly was killed in Rivers State. On 5 March, 2003, Dr. Harry Marshal of the All Nigeria People's Party (ANPP) was murdered. (Chukwugbo, 2006:8.) In Delta State, Mr. Patrick Origbe, a PDP member in the State was murdered on 3 June, 2005. By 6 February 2004, gunmen killed PDP National Vice Chairman (South-South) Chief Aminasoari Dikibo. Likewise, Honourable Schnapps Omuvwiebese, a Councilor in the State was shot dead. In Akwa Ibom, Mr. Udo Akpan, a Federal Commissioner representing Akwa Ibom state in the Niger Delta Development Commission (NDDC) was murdered in 2003 while a Diaspora aspirant had his mother brutally assassinated because he ventured to announce his desire to run for office. In the same development, an aspirant in Mkpat Enin constituency, Dr. Akpan Akpanudo of the PDP was murdered in the early hours of January 2011 (Akpan-Nsoh, 2011:6.) In Edo State, an aspirant for the Uhumwode/Orhionmwon federal constituency seat in the House of Representatives, Mr. Oghogho Ayo Omoregbe was murdered by

unknown gunmen in 2010 (Olisah, 2010:3.) In the South-East, Governor Orji Uzor Kalu of Abia State raised an alarm over an alleged plot to kill him. Kalu forwarded a letter entitled 'Threat to assassinate me' to President Olusegun Obasanjo, narrating the plan to kill him. (Inyama, Akpabio and Okusan, 2004:15.) In Anambra State, Mr. Victor Nwankwo was murdered on 29 May, 2002. Barrister Barnabas Igwe, Chairman, Nigerian Bar Association (NBA), Anambra State Chapter was brutally murdered along with his wife, Abigail, on September 1, 2002. Mr. Ikenna Ibor, an ANPP councillorship candidate in Anambra State was assassinated on 27 March, 2003.

In Enugu state, Mr. Sunday Ugan, was murdered in 1999. This was alleged to be a case of mistaken identity. (Adeseri, 2002:19.) In another related development, Chief Victor Nwankwo, was assassinated on 29 August 2001.

On 19 April 2003, Onyewuchi Iwuchukwu was murdered in Ikeduru Local Council of the State. Toni Dimegwu was equally killed in the State. By February 2003, Theodore Agwatu was murdered by suspected hired assassins in Owerri. In the same vein, Mr Ogbonnaya Uche, a chieftain of the ANPP and a former Commissioner of Commerce in Imo State was gunned down.

Governor George Akume's close friend of Benue State as well as the governor's orderly Sergeant Joseph Ngam were killed instantly in 2004. In another development, tragedy struck again in Benue State between 13 May and 17 October when Mr. Charles Ayede, Messrs Celestine, Ahembe Agber alongside with Mr. Shanger Orayor were brutally murdered (Akande, 2011:8.). Similarly Luke Shigaba, the PDP chairmanship candidate for Bassa Local Government Area of the State was killed (Okpowo, 2004:6.) The Kogi State Electoral Commissioner, Chief Philip Olorun-nipa was killed in 2004. (Odiaka, 2004:26.) In 2002, a former Kwara State PDP Chairman, Ahmadu Patedi was killed. Likewise, Alhaji Kola Kasum, a former Chairman of PDP in Kwara State was killed. Also in 2001, Mr. Elizat Bakis, a member of APP was murdered and in less than twenty-four hours of his death, the Sarki of Azare Alhaji Musa Ibrahim and six others were also killed.

The Plateau State suffered many threats and political assassinations. Amidst these Mr. Jesse Akuru was abducted and killed near his house in

Bassa Local Council of the State. His kidnapping and subsequent killing were preceded with a rally of the party held in his Bassa Local Government Council where he was the chairman.

The North-West Zone though witnessed polymorphous political violence did not lead to many political assassinations with the exception of Alhaji Kabiru Mohammed, Kano State chairman of UNPP who was assassinated in December 2002. Within the North-East, Borno State witnessed very horrible political assassinations that claimed the lives of Alhaji Modu Fannami Gubio, and five others. (Alabi, 2011:63.)

THE CONDUCT OF 2003 GENERAL ELECTIONS

Few days to the April 12, 2003 elections, federal government failed in its responsibility to release money for the conduct of the elections. This made the chairman of INEC wanting to resign. Even though the money was released later, it fell short of the INEC's demand (Ologbenla, 2003:85) (Darren, 2003:10.)

Thus while the entire 1999 elections were conducted by the military, those of 2003 were conducted by the civilians. The following elections were conducted in 2003:

1. April 12, 2003 – National Assembly, that is, Senate and the House of Representatives,
2. April 19, 2003 – President/Vice-President and governor/Deputy Governor.
3. May 3, 2003 – State Houses of Assembly in the 36 States.

The Modified Open Ballot System was used and the processes involved were:

1. Presentation of the voter's card to the polling officials who check the list and authenticate the card,
2. Issuance of a ballot paper for the post being contested,
3. Thumb-printing of voter at the appropriate voting centre,
4. Casting of legitimate vote.

Earlier in January 17, 2003, INEC had issued guidelines for the submission of party nominations which also included the fees for the different

political offices. The levies as originally announced were 500,000 Naira for presidential candidates, 300,000 Naira for governorship, 250,000 Naira for Senate, 50,000 Naira for House of Representatives and 50,000 Naira for House of Assembly candidates. Public criticisms however forced INEC to revise the levies downwards to 100,000 Naira for presidential candidates, 60,000 for Senate, 30,000 Naira for House of Representatives and 10,000 Naira for State House of Assembly. The newly registered political parties raised serious objections to these levies. The matter came to the climax when National Conscience Party (NCP) and People's Redemption Party (PRP) leadership in support of other new political parties went to the High Court. The High Court declared the processing fees imposed by INEC as illegal (Okoh, 2005:38). This ruling was obeyed by INEC as no charging fee was imposed.

The parties positions in the April 12 2003 elections stood in these forms: out of the 109 senatorial seats, the PDP won 73 seats, while ANPP had 28 seats and AD had 6 seats. The remaining 27 political parties that contested the election won no seats. The House of Representatives elections equally gave victory to the PDP with 213 seats. The ANPP and AD had 95 and 31 seats respectively. The results of the States' governorship election also showed that the PDP won twenty-eight States while the ANPP won in seven States and AD one State.

The presidential poll result showed that the incumbent president, Olusegun Obasanjo of the PDP won the election with a total vote of 24,456,140 representing 61.94% of the votes cast. Obasanjo's closest rival was Muhammadu Buhari of the ANPP who scored 12,710,022 which represented 32.19% of the total votes cast (Ajayi, 2005:170) (Ologbenla, 2003:92.) In the State Houses of Assembly throughout the country, the PDP had overwhelming majority.

A number of factors actually contributed to the 2003 electoral fraud. First, the policemen posted to maintain law and order during the general elections, rather than do their job, helped and aided the ruling PDP to stuff ballot boxes to ensure its victory at the polls. Second, the military that are expected to stay clear of politics visibly became partisan. They took side by shooting in the air to scare people after the ballot boxes were carted away, stuffed and returned in favour of the PDP.

Even the 60 days stipulated by the Constitution to allow the political

parties mobilize for the elections was not observed. One Alhaji Mohammed Lawal summed up the whole exercise in the following words when he stated that 'we can only draw the conclusion that there was already a predetermined result where the Constitution and law enforcement officers were barely there to enforce' (Nwabuko and Ushigaile, 2003:11.) Obviously, there will be many revelations as we consider the next section.

ELECTION MONITORING: THE CASE OF 2003 GENERAL ELECTIONS

With the 2003 elections, the INEC was the first body to begin the monitoring exercise. It held a series of meetings with the political parties at the local, state and national levels. After a crucial meeting with the political leaders on Monday March 18, 2003, INEC signed an anti-violence and code of conduct pact with the leaders of the political parties in which they pledged to regulate their behaviour and conduct and those of their supporters. In a nutshell, the pact has the following terms: No political party shall use state apparatus, including state owned print or electronic media to the advantage or disadvantage of any political party or candidates.

No political party shall engage in violent activity or intimidation of any kind, as a way of demonstrating its strength or supremacy.

Every political party or candidate shall at all times avoid defamatory, derogatory and insulting attacks on rival parties or individual's personality through any form of communication, verbal or written.

All parties are required to file with the INEC, details of their public rallies and meetings in any particular area of the country.

No political party or candidate shall during campaigns resort to the use of inflammatory languages, provocative actions, image or manifestations that incite violence, hatred, contempt or intimidation against another party or candidate on grounds of ethnicity, gender, or for any other reasons (Okoh, 2005:37.)

Aside this, the elections were witnessed by a great array of domestic and international observers and monitors. The domestic observers and monitors included the Transition Monitoring Group (TMG), a body of over 170 NGOs which deployed 10,009 observers to all parts of the

country, the Justice, Development and Peace Committee (JDPC) of the Catholic Church deployed more than 30,000 trained observers throughout the country. The major international monitoring groups included European Union Election Observation Mission (EUEOM) with 118 observers, Jimmy Carter Foundation in collaboration with the National Democratic Institute (NDI) which had 50 observers from 12 nations in Africa, Asia, Europe and the USA. These bodies engaged in observing and monitoring the National Assembly elections of April 12, 2003, the Gubernatorial/Presidential elections of April 19, 2003 and the State Houses of Assembly elections of May 3, 2003. Each of these bodies had adverse reports on the elections.

The JDPC reports indicted the security forces who were deployed at the polling stations. It claimed that the security agents were freely and openly aiding massive rigging:

Security agents were out to collaborate with and protect the ruling party. In most of the polling stations, they did nothing to prevent hijacking of ballot papers by political thugs... Rigging was peacefully done in the form of ballot box stuffing by mainly PDP party agents collaborating with polling officials (Ajayi, 2005: 174.)

The JDPC in addition described as incredible the official results showing nearly 100 per cent turnout in Southern Rivers State, with 2.1 million of 2.2 million registered voters casting their ballot for the ruling party on a day when observers reported a low turnout (Onyebuchi, 2005:425.)

The Citizens Forum for Constitutional Reforms had similar thing to say. The body reported that the elections were massively rigged and manipulated and therefore called on President Obasanjo and the state governors to resign (Ajayi, 2005:174)

The Transition Monitoring Group (TMG) first indicted INEC as lacking in independence as the Presidency used the lack of financial autonomy for the Commission to manipulate and circumscribe its independence. It noted in its reports that disruption of poll or absence of elections in some polling centres, vote buying, stealing and stuffing of ballot boxes, improper set-up and voting procedures, multiple ghost and underage voting, violence and harassment, general insecurity, collaboration

of INEC officials to commit electoral fraud among others characterized the elections (Dung Pam, 2005:240.)

The Federation of Muslim Women Association of Nigeria (FOMWAN) in collaboration with Muslim League for Accountability (MULAC) which both deployed more than 1,200 observers to 15 states in Northern Nigeria observed that there were:

152 incidents serious enough to disrupt or suspend voting. In Kano State, observers noted serious incidents in 43 of the 206 polling stations observed a rate of more than 25%. Kogi, Nassarawa, Kaduna, Borno, Plateau and Bauchi experienced serious problems at more than 10% of the polling stations observed. Most of the problems involved physical attacks or destruction of property...intimidation/threats of violence... harassment/ shouting/taunting of voters... some ballot boxes were forcefully taken away (Maikudi, 2005:580.)

The Commonwealth Observers Group admitted that there were widespread fraud and irregularities which tended to cast doubt in the credibility of the results. The group identified Enugu and Rivers States where the irregularities were so rampant. The EUEOM led by Mr. Marx Van den Berg also named these two states and also mentioned other ten states of Anambra, Benue, Katsina, Kogi, Nassarawa, Cross River, Delta, Imo, Kaduna and Edo where fraud and irregularities were rampant (Okoh, 2003:41.)

The general impressions following these massive riggings help to show that Nigerians cannot conduct elections devoid of thuggery and electoral malpractices and since the desire to play part in politics has been rated so high in such a way that the means to stay in power has become a do or die affair.

CONCLUSION

The 1990s became an era characterized by the transition from military and one party rule to multiparty rule in Africa. This race did not leave Nigeria behind, as she ventured into it in May 29, 1999. Such has been characterized by many political parties; and as a democratic rule,

political parties cannot function without elections. Nigerians therefore especially the politicians have turned the elections into a do or die affair because every politician wants to find himself in the corridor of power. To do this, elections have become characterized by falsification of results, violence and to make it worse, political assassinations. All these and more characterized the 2003 general elections. The 2007 general elections that followed were in no way better.

THE NIGERIA 2007 GENERAL ELECTIONS

Bamgbose J. Adele

INTRODUCTION

When the Independent National Electoral Commission (INEC) under the chairmanship of Professor Attahiru Jega announced the commencement of voter's registration that marked the beginning of a series of elections that took place in April 2011, many were highly elated that the nation was to commence another beginning of a democratic experiment, because, afterward, democracy has become a popular and cherished nature of Nigeria's political system. There was virtually not one among the leaders of the First Republic who had developed hatred for democracy (Akintunde; 1967:3). However, such desire for democracy by African leaders has been so superficial and as Ake stated "... African elite support democracy only as a means to power" (Ake; 1993:A6).

For several decades of Nigeria's existence (since 1914), and for many years of conducting elections, the April 2007 elections became the first in the annals of Nigeria's political development where civilian government would hand over government to another civilian government. Yet, in the annals of democratic experiments in Nigeria (1960-1966; 1979-1983; 1986-1993 and 1999-2003), which all passed through the electoral processes, no one had mostly lost its credibility than the 2007 general elections in spite of Professor Iwu's declaration "to conduct elections that are free, fair and credible" (Dazang; 2006:65). African elections therefore if not all have become mere window dressings. Chazan in her analytical discourse once pointed out that the euphoria which characterised African

elections during decolonisation quickly disappeared making such African elections to be viewed as meaningless political rites performed to grant periodic legitimating for aspiring one-party regimes (Chazan; 1979:136). Thus while it is true that there have been significant shifts from autocracy to democracy from 1990s, Anglin has concluded that "... extravagant expectations of the early 1990s have been only partially realised" (Anglin; 1998: 471).

Elections in Nigeria have become a do or die affair and politicians muster all weapons at their disposal to stay at the corridor of power by all means. This is why politicians and election officials invented unspeakable strategies for manipulating the outcome of elections. This policy has extended to the judiciary and in the words of Obijiofor:

More fundamentally, the independence and integrity of the judiciary in resolving election disputes have been questioned on numerous occasions by a significant segment of the populations (Obijiofor; 2009:51).

However, perceived growing evidence of discrepancies in legal decisions relating to election petitions had resulted into an outright sack of a number of high court and Federal Court judges. In furtherance to sanitise the judiciary, the National Judicial Council (NJC) recommended to President Yar'Adua the dismissal of Justice Chudi Nwokorie of the Federal High Court, Owerri for breach of his oath of office and abuse of his powers. Similarly, Justice Wilson Egbo-Egbo formerly of the Abuja High Court, and Justice Stanley Nnaji of the Enugu High Court were at various times victims of the National Judicial Council's disciplinary rules. Justice Abdullahi Mustapha claimed that stricter procedures had been taken to ensure that only men and women of good character would be appointed as judges of the Federal High Court. In his words he said:

Before we appoint any judge at the court, I will first of all write letters to all justices of the Supreme Court and the Court of Appeal to make recommendations in writing giving details of the character of the would-be judges. For private lawyers, they must be in active legal practice particularly in the trial court (Obijiofor; 2009:51).

The President endorsement of the National Judicial Council's (NJC) recommendations for the removal of Justice Nwokorie's dismissals and many other steps taken to sanitise the judiciary, further strengthened the public confidence in judiciary. It however seems to us that Akeredolu has described the true nature of Nigerian politics when he said that:

The grandeur of democracy continues to be a torch of life in the western world. The same is at its lowest ebb in Nigeria if it will not be called an aberration since we are always in the opposite of things that are right (Akeredolu; 2011: 79).

It is in the light of these negative happenings within the country's democracy that Nigeria's apolitical stratum (Dahl; 1984: 95 greatly heightened and many have lost confidence in Nigeria's elections. This study examines the Nigeria's 2007 General elections. The work is therefore divided into four parts in these order: the history of elections in Nigeria; preparation towards 2007 General elections; election monitoring, observations and conduct of 2007 general elections; and, finally, the flaws in the 2007 gubernatorial elections and case studies of the removed governors.

THE HISTORY OF ELECTIONS IN NIGERIA

The concept of party politics, analogous to the western society is a contraption to African political systems. Politics as at that time was not guided by a written constitution or institutionalized multi-party structure. Such was guided by traditional order, that is, the socio-political organisation that had kept the society together for centuries (Atanda; 1985: 85). Fortes and Evans-Pritchard's classification of African political systems showed that the systems were devoid of party politics (Hoselitz; 1971: 185). Similarly, while Awa was attesting to the existence of indigenous African politics, he claimed that:

...the political class consisted of chiefs and elders at the centre of activities. Women were not allowed to participate in the deliberations of the General Assembly but they had organisations of their own through which they could influence the decision... (Awa; 1992: 43).

This notion was clearly put by Adejumobi while referring to Albert that: "Although the precolonial political systems in Africa had some shades of democratic principles and practices embedded in them, however, the concept of voting and the notion of a political majority and minority were not part of the African political traditions" (Adejumobi; 1998: 29). However, with the exception of the brief period of decolonization, election purposes began to wane because as Riggs stated: "Elections have always been conducted in such a way as to give but a poor reflection of the popular will...Each or all of the candidates for election may be equally unrepresentative and unresponsive to political demands" (Riggs; 1971: 120).

With the advent of colonialism, there emerged elections patterned after the western model. Onuoha has however divided such elections into two which are *transition* and *consolidation* or second term elections (Onuoha; 2003: 46). Transition elections according to him are those elections which introduced Nigerian civil, political, and democratic control of governance while the consolidation are those elections which are to allow the transition of democratically elected civilian government to have a second term of office through a democratic election.

Elective principle in the form of election was therefore introduced into Nigeria following the Clifford Constitution. It was therefore contemplated by him that, in the course of time, the backward parts of the Protectorate would be represented by elected members in the Legislative Council. In reality, the constitution provided for voting in Lagos and Calabar. Restricted as this elective principle was, it was devoid of violence. By 1938, the Nigerian Youth Movement (NYM) won three out of the four available seats in the City Council elections and similarly, the NYM also won all three legislative seats in the Legislative Council elections. The 1951 Regional Legislative elections took place under the Macpherson Constitution of the same year. The 1954 elections took place under the new Federal Constitution. Pertinent to point out is that the Federal Constitution granted Universal Adult Suffrage.

The 1959 elections ushered in independence in 1960. Since then, the country started to experience electoral violence. The election was fought over personalities rather than politics, and the voting patterns were largely on a tribal basis. Between 1960 and 1965, the country witnessed three sets of elections. These were the elections in the then newly created Midwest

Region in February 1964, the Federal elections of December 1964 and the Regional elections of 1965. The prelude to the 1964 Federal elections was provided by the census exercise and the creeping crisis in the Western Region from 1962 onwards (Iyayi; 2005: 1). The Federal election was controversial in nature as it was characterised by widespread boycotts. The October 1965 election into the Regional Government of the West was in no wise better as it was characterised by violence. The political impasse created by these elections coupled with the other centrifugal forces led to the military takeover of 15 January, 1966.

The military rulers conducted three elections during their period. These were the elections of 1979 under Obasanjo as military head of state; the 1992-1993 elections under General Babangida and the 1999 elections under General Abdulsalami Abubakar. Each of these elections was laden with controversies. The 1979 elections produced the 122/3 controversy. Thus before 11 August 1979, both Federal Electoral Commission (FEDECO) and the military had regarded 13 as the two-thirds of 19 (the then 19 States of the Federation of Nigeria); but after the elections, controversy ensued over the meaning of one-quarter of the votes cast in each of at least two-thirds of all the States in the Federation. The military, in collaboration with FEDECO, decided to appoint Shagari as president, by re-interpreting the meaning of one-quarter of two-thirds of nineteen (Falola and Ihonvbere; 1985: 70). It was this that embittered Chief Awolowo claiming that he was robbed of his victory.

The elections of 1992-1993 were frequently delayed, cancelled, postponed and adjusted to produce a result predetermined by the military and to crown it all, the June 12 1993 elections were annulled by General Babangida on the excuse that the military was uncomfortable with them. The 1999 election results were predetermined. It was very glaring that Obasanjo did not win the election. Cyril Obi was quick in pointing this out when he stated that:

It was hardly surprising that in the 27 February 1999 presidential elections, the former military head of state and retired general (freed from jail, have been found guilty by a tribunal for plotting Abacha's overthrow) Olusegun Obasanjo of the PDP, defeated his AD/APP rival Olu Falae to clinch the presidency (Obi; 2000: 57).

Odia Ofeimum similarly concluded that: "This is another way of admitting that we live in a society in which out of sheer lack of will or due to moral and mental lethargy, we all acquiesced to being governed by people who never won an election" (Ofeimum; 2011: 57).

Under the civilian government, from 1983 onwards with the exception of 2007 elections, three sets of elections were conducted under the civilian regimes. These were the general elections of 1983 under the Shehu Shagari NPN government; the general elections of 2003 and the local government elections of 2004 under General Obasanjo. The 1983 elections revealed innumerable irregularities and as Richard Joseph stated: "In 1983, as we shall see, the explosion in appeals to the courts to counter unfavourable FEDECO rulings, as well as the electoral results themselves, was an important factor in the delegitimising of the entire political process" (Joseph; 1991: 155). The violence that followed the displeasure of the people reached its climax at Ondo State with the destruction of many lives and properties (Apter; 1987: 489).

The 2003 elections provided for a chance to set the Fourth Republic on the path of more legitimate and responsive government. However, subsequent elections of 2003 failed to fulfil the presumed objectives of legitimate and responsive government. Peter Lewis was quick to point out that: "There was abundant evidence of large-scale rigging, fraud and intimidation in many parts of the country (Lewis; 2003: 131). Richard Joseph had referred to this in Nigeria as a rigged life (Joseph; 2003: 159). The Independent National Electoral Commission (INEC) had its announced results rejected while most of these results were challenged before various Election Petition tribunals.

PREPARATIONS TOWARDS 2007 GENERAL ELECTIONS

The end of the transitional programme of all the elections that were held in 2003 led to preparations towards the 2007 general elections. Professor Iwu stated that, in preparation for the 2007 elections, his Commission, Independent National Electoral Commission (INEC) identified some critical issues which needed to be tackled for a conducive environment of elections to be secured in the country. These problems according to him were: (a) the ever looming danger of violence in elections; (b) the pervasive

use and influence of money in elections; (c) gender inequality in politics and (d) the unhealthy mind-set of Nigerian on elections (Iwu; 2009: 100).

However in between 2003 and 2007 was the country's population census of 2006. The result of this was released in January 2007 in which some 50 per cent of the previous 140 million Nigerian citizens were estimated to be eligible voters (European Union Report; 2007: 26 and 27). This necessitated the preparation of another voters' registration for the 2007 general elections. Part III of the Electoral Act 2006 makes elaborate provision for voter registration. This exercise must end not more than 120 days before any election. The Act prohibits surrogate registration. Any person who issues a duplicate voter's card on polling day or within 30 days of polling day liable on conviction to a fine not exceeding 200,000 Naira, or to imprisonment not exceeding two years, or both. The Act goes on to list a series of offences associated with voter registration with penalties attached. Copies of the voters register are to be displayed for public scrutiny for a period of 5 to 14 days in each local government and area council or ward. This is to enable registered voters to crosscheck omissions or errors (Aiyede; 2007: 41).

The introduction of the National Political Reforms Conference by President Obasanjo also formed part of the preparations. The political elite in the country became happy that it would expand opportunities to strengthen the federalist objectives of the country because those objectives had been made attenuated by long years of military rule. The conference however collapsed as a result of many problems. Prominent among them were the third term agenda through which Obasanjo wanted to extend his tenure in office which was not allowed, and the boycott staged by the delegates of the South-South geopolitical zone of the oil-rich states on the vexed issue of federalism and resource control (Darah; 2010: 1).

The voter's registration for the 2007 elections commenced on October 25, 2006. A successful voter registration will no doubt serve as a confirmation of the commission's readiness for the 2007 elections. This was not however so with this exercise. Everything pointed to the fact that the elections would not succeed. To start with, the voters' registration which was to end within a month was greeted with a loud dissent from across the country over the apparent unpreparedness of the Independent National Electoral Commission (INEC) which manifested in the inadequacy of the

Direct Data Capture Machine (DDCM) for the electronic registration; besides, the exercise was extended three times and this led to the amendment of the Electoral Act 2006 (Aderibigbe; 2007: 26 and 27). In fact, the exercise at its commencement only recorded 40 million voters which were short of the actual voters in the country. The National Assembly was therefore urged to ensure that more qualified voters were registered to ensure smooth 2007 elections.

The Independent National Electoral Commission (INEC) in its preparation towards the elections was confronted by myriads of other problems (Iwu; 2008: 8). Thus while it was true that INEC had the right to screen candidates for the elections, in the 2007 elections, the right of the Commission to perform this duty was challenged in the court. The Court of Appeal upheld the right and responsibility of the Commission to continue along with this duty. In the process of discharging this screening responsibility, Alhaji Atiku Abubakar who had broken ranks with the People's Democratic Party (PDP) and then aligned with Action Congress (AC) as its presidential candidate was screened off and thereby would not be allowed to contest the presidential elections on the account of charges of abuse of office brought against him by the Economic and Financial Crimes Commission (EFCC).

With this event, Atiku Abubakar went to court to challenge his ban and he won. But this happened when all materials for the elections had been printed. Thus the first ballot papers which did not reflect the name of the AC's candidate had to be cancelled and INEC had to embark on the reprinting of 64 million ballot papers for the presidential elections in four days and accommodate the image of Alhaji Atiku Abubakar and the logo of his party. Having printed the required number, the Commission was confronted with the problem of distributing the ballot papers across the country. The INEC Chairman's statement corroborated this when he said *inter alia* that:

The Commission was compelled to print a new set of ballot papers for the presidential election which arrived Nigeria only hours to the commencement of the polls and had to be distributed to the more than 100,000 polling units located in 8,800 wards of the country, some of them located in extremely difficult terrain (Darah; 2010: 9).

The enormity of this problem became manifested on the election day as some polling booths did not have voting materials to work with. Aside, party administration in the country in the period leading to the 2007 elections constituted a problem for the management of the election. In many of the political parties, there were serious internal divisions, and wrangling posing threats to the smooth flow of the electoral process.

ELECTION MONITORING AND OBSERVATIONS: A CASE STUDY OF 2007 GENERAL ELECTIONS

The parrot cry for democracy and the desire to widen democratic space which started since the 1990s led to a series of political reforms that had replaced one-party and military dictatorships with multiparty democracy. Elections in this regard became regular phenomena which must be monitored especially as government have been known to manipulate election results. However, remarkable resurgence of democracy in Africa, a development that started in the early 1990s took along with it election monitoring and observation (Matlosa; 2002: 129). The resultant effect of this development is that, no single developing country can hold a general election without being put in the global spotlight by international observers and monitors. In spite of the need for international observers and monitors in this current global democratisation, Matlosa has given three reasons for uneven application of observation and monitoring (Matlosa; 2002: 133). Observers however may perform up to eight (Matlosa; 2002: 486) functions which are:

1. *Confidence-building*. The open demonstration of moral support by the international community showed by the visible presence of election observers can help to build confidence in the integrity of the process, helps to ease tensions between the political parties and among the public and therefore increase the voter participation rate.
2. *Conflict prevention*. The presence of observers on the spot is widely assumed to cause persons predisposed to coercive or fraudulent behaviour to consider their actions.
3. *Dispute resolution*. Sometimes, observers are in a position to assist in defusing potentially explosive local disputes by rendering advice

to parties concerned

4. *Observation.* The fundamental responsibility of observers is to monitor every relevant aspect of the organisation and conduct of an election including the functioning of the national electoral commission, the registration of voters, the course of the campaign, the poll itself, the counting of the ballots, and the compilation of the results. In practice therefore, teams have to arrive a week or so in advance of polling day and often have to leave before the announcement of the results.
5. *Reporting.* Reporting procedure varies. Sometimes, some groups do not make any public statement. Some issue one or more press releases of the results while some may decide to publish monographs later explaining the process of elections in details.
6. *Verification.* Here, the validity of the overall exercise must be ensured. This responsibility is usually assigned to some individuals or body. For instance, for the 1989 liberation election in Namibia, it was Martti Ahtisaari, the United Nations Special Representative who certified that the election process was free and fair and conducted to his satisfaction (Matlosa; 2002: 487).
7. *Advice.* In spite of the restrictions placed on the observers that, they have no executive role, and that their function is not to supervise but to observe, opportunities often exist to render advice before and after elections. In accordance with this, observers are left free to propose to the government and other concerned authorities such action on institutional, procedural and other matters as would assist the holding of the elections.
8. *Insurance Certificate.* When election is certified as free and fair, this may guarantee insurance against coups.

As it had happened in other parts of the developing countries, the 2007 elections were subjected to international observation and monitoring. The European Union Election Observation Mission (EUEOM) had been present in Nigeria since 14 March, 2007 following an invitation from the Nigerian authorities. The mission was led by Chief Observer, Mr Max van den Berg, Member of the European Parliament. In all, the EUEOM deployed over 150 observers from 21 EU Member States as well as Switzerland and Norway. The observers were deployed to all states

and Federal Capital Territory except Delta, Bayelsa and Rivers States as a result of security concerns (European Union Report; 2007: 10). The Mission assessed the conduct of the elections in accordance with international standards for democratic elections and adhered to the Declaration of Principles for International Election Observers. The EUEOM was joined by a delegation from the European Parliament, led by Mr John Attard-Montalto and Mr Vittorio Agnoletto.

The 2007 general elections were held in stages. Thus during the 14 April elections, Nigerians voted for 36 State Governors and 990 Legislators in the 36 State Houses of Assembly. On 21 April, elections were held for the President, 109 Members of the Senate and 360 Members of the House of Representatives. On the election day for the State elections, the European Union Election Observation Mission (EUEOM) reported that polling started late throughout the country due to late arrival of polling officials and materials and in several areas, voting did not take place at all. Polling Stations according to EUEOM were generally understaffed with officials who were undertrained. Procedures were often not followed correctly and the secrecy of the ballot was not guaranteed in the majority of polling stations visited by the EU observers. Similarly, federal elections polling materials arrived late and incomplete at many polling stations observed resulting in significant delays. Several National Assembly elections had to be postponed due to incorrect printing of ballot papers (European Union Report; 2007: 10) .

The delays in the opening of polling stations due to delay in polling materials as reported by EU observers occurred throughout the country. As at 9am only one-fifth of polling stations visited by EU observers were open and in only one-third were the required three polling officials present. In some polling stations like in Enugu, Zamfara and in the Local Government Area of Lafia of Nasarawa States, polling did not commence before 15:00. In many polling stations, voting did not take place at all. In 45 per cent of polling stations observed, the overall conduct of polling was rated as poor. Observers witnessed disorder in 22 per cent of polling stations visited. In a fifth of polling stations visited, voters who were clearly under-aged were witnessed voting especially in Bauchi, Kebbi, Sokoto, Yobe. Plateau and Zamfara States (European Union Report; 2007: 9). Not satisfied by the conduct of the elections, the EU observers opined that:

The 2007 State and Federal elections fell far short of basic international and regional standards for democratic elections. They were marred by very poor organisation, lack of essential transparency, widespread procedural irregularities, substantial evidence of fraud, widespread voter disenfranchisement at different stages of the process, lack of equal conditions for political parties and candidates and numerous incidents of violence (European Union Final Report; 2007: 70) .

Apart from the EU observers, local observers also monitored the 2007 elections which included Transition Monitoring Group (TMG), Federation of Muslim Women Association of Nigeria (FOMWAN), Labour Monitoring Team (LAMT), Women Environmental Programme (WEP), Muslim League for Accountability (MULAC), Centre for Democracy and Development (CDD), Civil Liberties Organisation (CLO) and Alliance for Credible Elections (ACE). These organisations liaised with Domestic Election Observation Groups to issue a common preliminary report. After the 14 April elections, the Domestic Election Observation Groups concluded that, “the level of violence, intimidation and ballot box snatching that took place in Anambra, Adamawa, Delta, Edo, Enugu, Kogi, Nasarawa, Ogun, Ondo and Rivers was so grievous that the results announced in them cannot be said to reflect the will of the people in the states” (European Union Final Report; 2007: 84).

Thus after the 21 April elections, the Domestic Election Observation Group which deployed 50,000 election observers countrywide issued another statement concluding that “... the election was a charade and did not meet the minimum standards required for domestic elections” (European Union Final Report; 2007: 84). Other observer groups included the Nigerian Bar Association (NBA), Justice, Development and Peace Commission (JDPC), Christian Association of Nigeria (CAN), Nigerian Supreme Council for Islamic Affairs (NSCIA), and the Pentecostal Fellowship of Nigeria (PFN). The general conclusion by these bodies was that the 2007 general elections should not be reckoned with.

THE FLAWS IN THE 2007 GUBERNATORIAL ELECTIONS AND CASE STUDIES OF THE REMOVED GOVERNORS

Thus while it is true that democracy is an avenue through which elected officers get to the positions of authority, sometimes, fraud characterise the entire exercise and thus makes a mockery of the entire exercise. This description is not far from the position of the 2007 general elections where the ruling party, the People's Democratic Party (PDP), the Independent National Electoral Commission (INEC) and the Nigeria Police worked together to falsify some gubernatorial election results. In all, twelve governors were removed by the judiciary for falsifying results. These governors were: Andy Uba of Anambra State, Celestine Omehia of Rivers, Ibrahim Idris of Kogi, Aliyu Wamako of Sokoto State, Timipre Sylva of Bayelsa, Liyel Imoke of Cross River, Murtala Nyako of Adamawa, Osehiemen Osunbor of Edo, Olusegun Agagu of Ondo, Segun Oni of Ekiti, Emmanuel Uduaghan of Delta and Olagunsoye Oyinlola of Osun State (Alademoko; 2010: 9). However, some of these governors were returned following another round of elections. We shall highlight the cases of these removed governors presently.

Andy Uba, Anambra State

Anambra State had been a theatre of many electoral controversies. Emordi, Oshodare and Attah-Echa had put it in this way when they said "The most absurd display of the power of godfatherism in Nigerian politics took place in Anambra State, where the bitter fruits of Nigeria's flawed 2003 elections came to harvest between 2003 and 2005" (Emodi, Oshodare and Attah – Echa; 2007: 11). The fact however remains that the crisis in Anambra State started in October 2002 during the Anambra State People's Democratic Party (PDP) Congress (Akinadewo; 2007: 2).

The then governor, Dr Chimaroke Mbadinuju won the PDP primaries twice to seek re-election on the platform of the ruling party. He was however denied the ticket by the party hierarchy to contest the April 19, 2003 governorship election (Emordi et al; 2007: 18). When the PDP hierarchy rose against Mbadinuju, he had no option than to seek re-election in Alliance for Democracy, AD (now APC). As the people of the state were tired of Mbadinuju and PDP, a new candidate emerged, that is, Mr Peter Obi,

the candidate of the All Progressive Grand Alliance (APGA). The PDP gave its ticket to Dr Chris Ngige, a medical doctor and the April 19, 2003 governorship election was rigged in his favour. A principal actor during the election was Chief Chris Uba. Since then Ngige agreed to succumb to the dictates of Uba. Paradoxically, he (Ngige) could not fully fulfil this as Uba's dictates tilted towards looting the entire treasury of the State. Ngige paid dearly for this as Uba arranged for the abduction of Ngige, an event which took place by a team of policemen under the leadership of Raphael Ige, an Assistant Inspector General (AIG) of Police zone 4.

Every available means was deployed to remove Ngige from office including judicial process. Peter Obi, the flag bearer of APGA challenged the votes that brought in Dr Ngige. As this was going on, Ngige was sworn in as the duly elected governor of the state on 29 May, 2003. Obi fought for the return of his mandate and won at the tribunal. Ngige appealed to the Court of Appeal and the court ruled that Peter Obi and not Dr Chris Ngige was the winner of the election but already Ngige had ruled for 3 years leaving barely 1 year for Obi. Obi appealed to the Appeal Court, Federal High Court and Supreme Court for the determination of his tenure of office.

As this struggle was on, the Independent Electoral Commission conducted an election to the office of the governor on 17 April, 2007. Dr Andy Uba was thus declared the winner of the election. However, Uba's victory was followed by a stern warning from the Supreme Court that, if finally determined that Obi's case had merit, Uba would be asked to pack and go. Seventeen (17) days after Uba had been sworn in, his dream as the governor of Anambra State was cut short as he was removed.

Celestine Omebia, Rivers State

The circumstances that led to the removal of Celestine Omebia dated back to April 14 polls when Amaechi overwhelmingly won the party's governorship primaries in December 2006 when his name was forwarded to the Independent National Electoral Commission (INEC) by the party and displayed by the Commission. This was after he had been screened and cleared to run for the position by the PDP.

Paradoxically, on February 2, 2007, the PDP sent a letter to INEC substituting Amaechi's name with that of Omebia citing error as the

reason. INEC quickly responded to this and effected the error. Amaechi challenged this in a Federal High Court at Abuja by filing in a suit to stop INEC from substituting his name with that of Celestine Omehia or disqualifying him from participating in the elections. He however rested his arguments on three grounds: that error is never a cogent and viable reason for substituting a candidate whose name had been sent to INEC; that the Supreme Court had affirmed this in a similar case of unlawful substitution in the matter between Senator Ifeanyi Araraume and Charles Ugwu in Imo State; and that, he was a hapless victim of a powerful cabal in the party (Chidi; 2007: 4).

Ruling on this case, Justice Binta Murtala Nyako nullified the purported candidacy of Omehia. This in effect meant that Amaechi was the only valid substantive PDP candidate for the governorship election. This court order was disobeyed and Amaechi was expelled from the party. This necessitated Amaechi to file a suit in the Court of Appeal. A few days to the elections, the Court of Appeal at Abuja struck out Amaechi's appeal to be declared as the substantive candidate in the Rivers State for the polls. Infuriated by this move, Amaechi proceeded to the Supreme Court. In its ruling on 11 May, 2007, the Supreme Court referred the case back to the Court of Appeal, for hearing on the grounds that the appellate court's decline jurisdiction was in error. As a result of this, Justice Aloysius Katsina - Alu on behalf of the apex court, ordered the Court of Appeal, Abuja to determine the matters on their merit.

The ruling by Justice Rabiun Danlamin Mohammed referring the matter back to the Supreme Court for clarification slowed down the legal process. This gave room for the gubernatorial election to be held in the state which paved way for Omehia's swearing in as the Rivers State governor on May 29, 2007.

However, the intervention of the Supreme Court before Justices Katsina-Alu, George Oguntade, Dahiru Musdapher and Tanko Mammud led to the removal of erstwhile Governor of Rivers State, Sir Celestine Omehia. The led judgment by the Supreme Court was led by Justice Katsina-Alu in which he declared that:

The claims of the appellant at pages 68-70 of the records are declaratory and injunctive. He brought the claims so that he would not be substituted.

It is my view that the candidate for the PDP for the election was the appellant.... I declare the appellant as the one entitled to be the governorship candidate of the PDP. It is ordered that the 2nd respondent (Omehia) vacate the seat of the governor of Rivers State immediately (Godwin and Edi; 2007: 4).

Ibrahim Idris, Kogi State

The hot bed of politics in Kogi State was between Ibrahim Idris, a member of People's Democratic Party (PDP), and the All Nigeria Peoples Party candidate, Prince Abubakar Audu. Before the democratic race of the Fourth Republic, Audu had already established himself as the Executive Governor of the State during the Third Republic on the platform of the National Republican Convention (NRC). With the return of civil rule in 1999, Audu emerged again as the Governor of Kogi State on the platform of the All Nigeria Peoples Party (ANPP). Suddenly and unfortunately for Audu, Ibrahim Idris appeared on the platform of Peoples Democratic Party (PDP) and defeated Audu in the governorship race of 2003. Audu's attempt to fight back in the April 2007 governorship election was scuttled by the decision of the Independent National Electoral Commission (INEC) that removed Audu's name from the ballot paper.

Infuriated by this act, Audu challenged the removal of his name by INEC at the Supreme Court and got a judgment that the governorship election already won by Idris should be re-run. Upholding the nullification of the April 14, 2007 governorship election that brought Idris into office, the Court of Appeal ordered the Independent National Electoral Commission (INEC) to conduct a fresh election in the State within 90 days with the candidate of the All Nigeria Peoples Party (ANPP), Audu, as a contestant (Godwin; 2008: 4). Following the removal of Idris, the Speaker of the House of Assembly, Chief Clarence Olafemi, was sworn in as the acting governor.

Aliu Wamako, Sokoto State

Aliu Wamako was formerly a member of All Nigeria Peoples Party (ANPP) before he left to become a member of Peoples Democratic Party (PDP). But while he became a member of the PDP, the party nominated him as the gubernatorial candidate for the party. Significant to point out

was that, Wamako's letter of membership as a PDP member was submitted to the PDP seven days after his nomination by the party, an action which was contrary to section 38 of the 2006 Electoral Act.

Wamako who eventually won the gubernatorial election of April 2007 in Sokoto State had his victory challenged by the governorship candidate of the Democratic People's Party (DPP). Delivering the judgment in the case brought by the DPP against the PDP, Justice Ahmed Belgore nullified the election of the Sokoto governor (Wamako) on the grounds of substantial irregularities and the non-qualification of Wamako. Wamako contravened the law stipulating that anyone aspiring to elective office under a political party must have spent at least two years as a member before contesting. Thus under the 2006 Electoral Act, the executive committee of any political party could ask the party's national executive committee to grant waiver for an aspiring candidate who does not meet the two-year minimum requirement.

Unfortunately, Wamako did not follow the right process. He by-passed the party's Sokoto State executive committee and applied directly to the national headquarters for his waiver, thereby contravened the Electoral Act of 2006. Wamako suffered double tragedy because, apart from his being removed, the security aides abandoned him at a wedding having heard that he had been removed. The governor had arrived at the wedding around 9am on that day before the news of his removal was heard (Falola; 2008: 8).

Timipre Sylva, Bayelsa State

Timipre Sylva, a gubernatorial candidate of the People's Democratic Party (PDP) in the April 2007 election, had his victory challenged in a petition filed by the Action Congress Candidate, Ebitimi Amgbara. The court of appeal sitting in Port-Harcourt nullified the election of Timipre Sylva and ordered the swearing in of Speaker Werinipre Seibarugo, as the acting Governor. The court also ordered the Independent National Electoral Commission (INEC) to conduct a new governorship election in the state within three months.

Liyel Imoke, Cross River

Imoke was a gubernatorial candidate of the People's Democratic Party

(PDP) in the April 14, 2007 election at Cross River State. During the election, it was alleged that Imoke won the gubernatorial election for the state. For this reason, other gubernatorial candidates from other political parties such as the All Nigeria Peoples Party (ANPP) governorship candidate, Mr Paul Ukpo, Progressive People's Alliance (PPA) candidate, Mr Iheke Awah, African Renaissance Party (ARP) candidate, Mr James Ebri, and the Action Congress (AC) jointly took Imoke to the Election Petition Tribunal. The Tribunal upheld Imoke's victory.

Dissatisfied by this, Mr Ukpo from the all Nigeria People's Party (ANPP), proceeded to the Appeal Court arguing that there was no election in the State and that there was non-compliance with the 2006 Electoral Act. Delivering judgment on this case, Justice Suleiman Galadima in his three-hour judgment cited anomalies such as allocation of scores and non-presentation of result sheets at the polling booths. The Appeal Court asked Mr Imoke to vacate the office immediately and that the Speaker of the House of Assembly be sworn in as acting Governor. A fresh election was ordered to be conducted within 90 days.

Murtala Nyako, Adamawa State

Nyako was a gubernatorial candidate of the People's Democratic Party (PDP) for the April 2007 election. When this election was held, Nyako was declared the winner. This did not go down well with Mr Ibrahim Bapetel who was already excluded from the April election by the Independent National Electoral Commission (INEC). Bapetel on the basis of this challenged the victory of Nyako at the Election Petition Tribunal. The Tribunal however ruled in favour of Bapetel and ordered fresh election. Nyako was not satisfied with the tribunal's verdict making him to go to the court of appeal seeking the dismissal of the lower court ruling.

Nyako's appeal was dismissed and Justice Isa Salami declared that Nyako should vacate the office of the governor of Adamawa State while the Speaker should be sworn in until fresh election was conducted. The Speaker was Mr James Barka.

Oserhiemen Osunbor, Edo State

In Edo State, the election controversy was between Oserhiemen Osunbor, a gubernatorial candidate of the People's Democratic Party (PDP)

and Comrade Adams Oshiomhloe, the governorship candidate of Action Congress (AC). The controversy had centred on who actually won the April 2007 gubernatorial election of the State. In the first round of the controversy, the Independent National Electoral Commission had returned Osunbor as the winner of the election. Oshiomhole and AC filed a petition of 69 paragraphs claiming that Oshiomhole be declared the winner.

On March 2008, the tribunal upheld Oshiomhole's petition and declared him winner. Osunbor went on appeal which took eight months to determine. There had been more fictitious results released following the 2007 elections. Thus on April 15, 2007, the PDP was awarded 329,740 votes, while AC came second with 197,472. Three days later, that is, on April 18, INEC awarded 201,116 to Oshiomhole while Osunbor was awarded with 291,262 votes (Osadolor; 2008: 79). However, when these were tested at the tribunal, the lawful votes came to Oshiomhole with 166,577 and Osunbor 129,017 votes. Oshiomhole and his team of brilliant lawyers argued and won at the tribunal and at the Court of Appeal resulting into the removal of Osunbor.

Olusegun Agagu, Ondo State

Dr Olusegun Agagu was the gubernatorial candidate of People's Democratic Party (PDP) for Ondo State while Dr Olusegun Mimiko was the gubernatorial candidate of the Labour Party (LP) of the same State. However, during the gubernatorial election in the state, INEC awarded the result in favour of Dr Olusegun Agagu of the PDP. An appeal to the Court of Appeal made by Olusegun Mimiko upturned the election of Agagu and declared Mimiko of the Labour Party as the governor of Ondo State.

Segun Oni, Ekiti State

Prior to the 2007 general elections in the State, Fayemi, Segun Oni and Senator Ayo Arise were all members of the Action Congress (AC) in the State eyeing the position. Arise stated in the interview with The Guardian that they left the party in protest against the way and manner Bola Tinubu imposed Fayemi as the governorship candidate of the party. Oni, Arise and others defected to the ruling People's Democratic Party (PDP), where Oni was nominated as the governorship candidate (Ezea;

2010: 55).

The Independent National Electoral Commission (INEC) declared Oni winner of the election with 117,780 votes while Fayemi polled 108,350 votes and came second. Dissatisfied with the declared results of the election and return of Mr Oni, Fayemi filed a 159-paragraph petition at the Ekiti State National Assembly Governorship and Legislative Houses Election Petition Tribunal on May 11, 2007. After several months of sitting and examination of Fayemi's petition, the tribunal headed by Justice Hamman Barka upheld INEC's declaration of Oni as a winner of the election. Fayemi appealed the judgment of the lower tribunal at the Appeal Court in Ilorin. The process led to the cancelling of some ward results used in falsifying the result for Oni thereby nullifying his election. Elections in those wards were re-conducted which showed that the previous elections were rigged in favour of Oni. With this, Oni was removed from office.

Emmanuel Uduaghan, Delta State

Dr Emmanuel Uduaghan was the gubernatorial candidate of People's Democratic Party (PDP) at the time the 2007 general elections were conducted. The fight over who was to control Delta State started when Uduaghan was declared the winner in April 14, 2007 gubernatorial election because Great Ogboru, a gubernatorial candidate of the Democratic People's Party (DPP) contested the result (Okoro; 2010: 76). A Justice Lokulo Shodipe led tribunal heard petitions against Uduaghan's victory from Peter Okocha, the gubernatorial candidate of the Action Congress (AC) and Ogboru but dismissed both Ogboru and Okocha's petition.

While Okocha went to rest, Ogboru again went to the Appeal Court but Ogboru's case was again dismissed. Ogboru appealed the judgment for a third time. It was this latest development that led to the removal of Dr Emmanuel Uduaghan by November 9, 2010. The ruling specified that the gubernatorial election that ushered him in as governor was flawed with irregularities. Within 24 hours, the Speaker of the Delta State House of Assembly, Prince Samuel Onyeka Obi was sworn in as governor.

Olagunsoye Oyinlola, Osun State

Towards the 2007 general elections, Engineer Rauf Aregbesola

emerged as the gubernatorial candidate for Action Congress (AC), now Action Congress of Nigeria (ACN) while the former military administrator of Lagos, Olagunsoye Oyinlola was for the People's Democratic Party (PDP). However, during the April 14, 2007 election, the Independent National Electoral Commission (INEC), declared Oyinlola as the winner of the Osun governorship poll with 422,666 votes, and that, Aregbesola of the AC scored 240,722 votes (Omofeye; 2010: 71 and 72). Immediately the results were announced, the state erupted in violence, as people began to protest.

Aregbesola faulted INEC's results and by May 11, 2007, filed a petition before the first Election Petitions Tribunal sitting in Oshogbo urging the Tribunal to hold that votes returned in Atakumosa West Local Government, Boriye Local Government, Ede North Local Government, Ife Central Local Government, Ife East Local Government, Ife South Local Government, Ifedayo Local Government, Isokan Local Government, Odo-Otin Local Government and Ola Oluwa Local Government did not represent lawful votes cast in the election. Aregbesola urged the court to hold that he was the duly elected governor and should be returned as the state governor.

Oyinlola opposed the petition and urged the tribunal to dismiss it. Other respondents including the INEC also faulted the petition and asked the tribunal to throw it out. At the end, Aregbesola's petition was dismissed. Aregbesola however appealed against this verdict at the Court of Appeal at Ibadan whereby the court ordered a re-trial of Aregbesola's petition. But a re-trial of the case also ended as the first one as it did not favour Aregbesola. Dissatisfied, Aregbesola appealed against the judgment.

However, Oyinlola's victory was upturned into a new five man panel led by Clara Ogunbiyi. Other members of the panel were Justices M. I. Garba, Paul Galinje, C. C. Nweze and Adamu Jauro. It was in this case that, it was unanimously declared that Aregbesola was the winner. This led to the removal of Olagunsoye oyinlola as the winner.

CONCLUSION

There is no doubt that the democratic experiment that began from May 29, 1999 is an extension of the third wave of democratization that

began since 1970s. This movement has actually changed the political development of Africa. Many of these states have come under multiparty system but with their inherent danger. Wiseman has rightly put this when he stated that, 'One of the easiest observations to make concerning political change in post-independence sub-saharan Africa is to recognise the ephemeral nature of the multiparty system in the vast majority of states' (Wiseman; 1977:70). Jean-German Gros has equally noted that 'Five years after the emergence of a promising trend toward multiparty elections in sub-sahara Africa, a number of countries are in danger of slipping back into outright authoritarian rule' (German Gros; 1995: 112). Where these political parties are not ephemeral and not in danger of slipping back to authoritarian rule, fraud and violence characterise them. This latter description best describes the 2007 general elections. The incumbent president Obasanjo himself foresaw the danger that might be inherent in the 2007 elections and this prompted him to declare on 10th February 2007 that the April polls would be a do-or-die affair for him and the PDP ruling party (Emordi and Unumen; 2011: 11).

Names and pictures of some candidates were omitted from the ballot papers. Secrecy was lacking in the voting as there were no polling booths in some places. Under-aged children voted in many states. After voting, the ballot boxes were snatched at gun point by party thugs and exchange for ones stuffed with already thumb-printed ballot papers. Surajudeen in his analysis of 2007 campaign strategy referred to the 2007 elections as 'the worst in electoral fraud in the history of Nigeria's political configuration' (Surajudeen; 2008: 15). Herskovits remarked that, 'The election themselves were disastrous, with even more rigging and violence than during the previous presidential election, in 2003, when stolen ballot boxes and bogus vote counts marred the polling' (Herskovits; 2007: 23). Suberu was quick to point out that, 'The manipulated balloting of 2007 underlines the disheartening degree to which dishonest elites have systematically mismanaged this oil-rich but governance poor country' (Suberu; 2007: 95).

The 2007 elections were riddled with political wrangling as the elections results were fiercely fought. Kodilinye Obiagwu remarked that 'Eight months after the April 2007 general elections, the disputes over the outcome of the elections are still ongoing at the governorship and the Legislative Houses Election Tribunals across the country' (Obiagwu;

2008: 9). Senator Udoma concluded the aftermath of 2007 general elections in a more shocking manner when he stated that:

Over a year after the 2007 elections were held, there is no day that you open a Nigerian newspaper and you do not see a report about the ruling of one election tribunal or the other. Over a year after the 2007 elections were held, tribunals are still sitting considering various election petitions challenging the outcome of those elections. The number of successful election petitions in respect of the 2007 elections has been unprecedented in the history of our country (Udoma; 2008: 27).

These electoral malpractices marred the 2007 general elections that resulted into massive falsifications of results in which some governors were removed and had their tenure terminated. Some of those governors removed such as Nyako, Imoke, Sylva, Wamakko, Idris and Uduaghan won back their gubernatorial seats (Onomo et al; 2012: 53 and 57) while some did not come back on the ground of deep seated falsifications.

ELECTION AND THE CHALLENGES OF DEMOCRATIC CONSOLIDATION IN NIGERIA: AN APPRAISAL OF 2011 GENERAL ELECTIONS

Usman A. Tar & Alfa Patrick Innocent

INTRODUCTION

Elections and electoral processes shape the fate of nation states. The health of any democracy, no matter its type or status, depends on a small technical detail; the conduct of elections. This chapter argues that the 2011 elections in Nigeria have not been able to contribute fundamentally to democratic consolidation in Nigeria: “free and fair” election remained a highly contested issue as demonstrated by the turnover of election litigation. Particularly, the paper appraises the 2011 elections and suggests that stakeholders must commit themselves to the task of conducting free and fair elections if the Nigerian enfeebled democracy must be improved and sustained.

It is almost an article of faith that the ascendancy of liberal democracy has witnessed increasing reduction of democratization especially in Africa to the conduct of elections and multipartyism suggesting the need to interrogate the significance of election within the democratic process (Ntalaja, 1997). This is necessary especially against the backdrop of democratic rule in Africa collapsing through disputes over elections, as witnessed in Liberia in the 1980s when President Samuel Doe abused elections to remain in power leading to the rise of rebellion led by Charles Taylor, Prince Yomie Johnson and others. In Nigeria, elections have been similarly problematic even though the country has never witnessed disintegration

due to election. To all intents and purposes, elections in Africa in general and Nigeria in particular, have not provided the necessary leverage for democratic sustenance. The history of democratic elections in Nigeria shows electoral malpractices and flagrant exhibition of anti-democratic behaviour, kidnapping opponent, politically motivated assassinations, arson, looting and intimidation resulting in elections being mere rituals instead of representing the popular will of Nigerian voters (Godowoli, 2003:96).

Election related violence in Nigeria began with the 1959 federal elections under the super-vision of the British to facilitate the transition from colonial rule to independence. The same crises manifested in the 1964 general elections of which before the commencement of the commencement of the elections, the two major alliance of political groups i.e. the Nigerian National Alliance (NNA) and the United Progressive Grand Alliance (UPGA) vowed not to accept the outcome of the election results and that whoever claimed to have won the election, would be vigorously contested (Godowoli, 2003: 98).

As Ogundiya (2003:59) pointed out, "Preparatory to the elections all weapons such as religion, ethnic sentiments, outright bribery, the power of incumbency, corruption, the abuse of electoral process etc, were available for politicians and their supporters that electoral behaviours in Nigeria was not guided by ideology, party programmes and merit of those contesting to be elected, but a political calculus based on ethnic, religious and geopolitical mobilization and Godfatherism as the means to assume power at all costs by political office seekers in order to share the anticipated booty".

Events following the 1979 and 1983 elections indicated that they were not fundamentally different from the previous ones. General Obasanjo who was then the military head of state and under whom the 1979 elections was conducted implored the political class thus

I would like to implore the leaders of all the political parties and, indeed supporters to vividly remember, that it was the combination of political irresponsibility and down right disregard for truth and the lack of integrity in our action and the absence of patriotism to guide us, which led to the political condition in which we found ourselves a decade ago (Quoted in Ogundiya 2003: 61)

Godowoli (2003:97) revealed that the electoral process and party systems were little more than armies organized for fighting elections based on region. Winning elections become a do or die contest and foul was viewed as fair! The abuse of the electoral process was so vile in terms of abuse so much so that it raised the question of the essence of the election. Godowoli (2003:98) observed that “there was hue and cry about the perception of election malpractices or rigging at the conclusion of each election held in 1950, 1954, 1959, 1979 and 1983”.

The 2003 and 2007 elections were the worst in the history of electoral democracy in Nigeria. According to Dauda (2010):

The ruling Peoples Democratic Party (PDP) manipulated the elections and the Independent Electoral Commission (INEC) declared the results in favour of the majority of the People Democratic Party’s candidates. All efforts by the major opposition political parties to contest outcome of the election result in the courts proved futile. Even where the Electoral Tribunal ruled to annul results of elections in some states, the outcome of the re-run elections still favoured candidates.

The furtive connivance and manipulation of Nigeria’s electoral agencies and institutions of influence and falsify the outcome of elections was aptly captured by Kolawole when he asserted:

Generally, the history of electoral politics in Nigeria has not been encouraging. Electoral politics has always been a source of unrestrained resentments, irrational actions and political instability. Elections have always invariably been accompanied by breakdown of the political regime. Thus, it may be argued that the riddle of civil rule is not whether or not the military would again intervene in politics, but how soon it would happen. In other words, it can be said that military rule in Nigeria manifest the failure of the electoral politics”. (*The News Magazine*, December, 2006:28)

The Nigeria’s electoral experience has been as chaotic as it has been turbulent; it has oscillated crisis to crisis bringing the country to a brink of collapse. Given this any dream of democratic consolidation has become a wishful thinking. Indeed, the Nigerian political class, itself, does not appear to position itself or the country in the direction of building a sustainable democracy: they appear to be interested in perpetuating itself in power

by all means necessary. As one of us argued elsewhere, the political class is playing a power game of “hegemony and subordination” – in which those with access to power will struggle to remain in power at all cost, and those outside of it will struggle to capture power at all cost (Tar and Shettima, 2010)

CONCEPTUAL CLARIFICATIONS

Election

Elections are the means through which the people exercise their sovereign right to choose who governs them and what the political and other priorities of their government should be. Democratic elections are thus the opportunity for the people to express their sovereignty through the ballot to confer legitimacy to their government, renew its mandate if necessary or withdraw from it the authority to govern. This is the basis of accountable government.

For Gwinn and Nortan (1992), election is the formal process of selecting a person for public office or accepting or registering a political proposition by voting. They state further that an election is one of the means by which a society may organize itself and make specified formal decisions, adding that where voting is free, it acts simultaneously as a system for making certain decisions regarding the power relations in a society, and as a method for seeking political obedience with a minimum of sacrifice of the individual's freedom. The essence of a democratic election is freedom of choice.

For Eya (2003), election is seen as the selection of a person or persons for office as by ballot and making choice as between alternatives. Eya defines Electoral process as the method adopted in the selection of persons for political offices. He further sees electoral frauds or malpractices as improper, illegal, deceitful or immoral behaviours and conducts which vitiate free and fair electoral processes. A fair electoral process according to him, must have some basic structures, which include: statutory provisions establishing the electoral bodies, delineation of wards/constituencies, registration of political parties, registration of voters, recruitment and training of ad-hoc staff, procurement of electoral material, logistic, screening of candidates, provision of polling agents monitoring agents, actual

voting, accreditation of voters, counting votes and providing avenues for settlement of disputed results.

Onyeka (2002) maintains that what characterizes a proper electoral process is to select the official decision makers who are supposed to represent citizens' interest. He posits that an electoral process reinforces the concept of self-rule, celebrates it and legitimizes governmental power. Elections, according to Onyeka, extend and enhance the amount of popular participation in the political system adding that electoral history started with restrictive voting based on property ownership and tax payment. The basic constituents of the electoral process according to Onyeka, include: political parties, political opinions, pressure groups and the mass media. They all converge on the electoral process to determine whom the leaders would be and ensure that the elected officials will represent their constituencies effectively.

Democracy means different things to different people: a platform for power contestation and not the least a class struggle. Furthermore, the end of the Cold War has privileged liberal democracy globally as the most credible basis of governmental legitimacy (Adelaja, 2007). In the views of Dahl (2000), within the enormous and often impenetrable thicket of ideas about democracy, it is possible to identify some criteria that a process for governing an association would have to meet in order to satisfy the requirement that all members are equally entitled to participate in the association's decisions about its policies. Dahl believes, at least five such standards abound. These are: effective participation, voting equality, enlightened understanding, exercising final control over the agenda and inclusion of adults. A democratic society, Dahl asserts, produces desirable results and avoids tyranny. It also leads to provision of essential rights, general freedom, self determination, moral autonomy, human development, protection of essential personal interests and political equality. In addition, he noted, modern democracies are peace-seeking and prosperous.

Some of the main features are free competition among political parties, periodic elections, and respect for fundamental freedoms of thought, expression, and assembly. There is plenty of evidence that such a system of government has the potential to encourage political stability and accountability and to help consolidate public institutions" (Makinda, 1996). Makinda's description seem to be one of the most cogent and coherent.

In fashioning out a working definition he noted:

in general terms democracy can be seen as a way of government firmly rooted in the belief that people in any society should be free to determine their own political, economic, social and cultural systems. But the form it takes can vary according to particular circumstances of every society. Indeed, whereas the principles of democracy are universal, their expression and practice cannot be transplanted wholesale from one community to another (Makinda,1996: np).

Makinda also asserts that most African societies do not have a tradition of liberal democracy, and those leaders who took power after independence destroyed whatever checks and balances their constitutions contained through military rules, authoritarian regimes, abuse of power, corruption, etc.

At present, democracy has been transformed from its classical notion underpinned by the assumptions of government by the people; common good, the rationality of man; and the contradictory goal of liberty and equality. New perspectives – such as the Democratic Peace Theory – have emerged to amplify the exogenous ramifications of democracy: the view that democracies are internally harmonious and concordant, and externally pacific and pacifying (Rasler and Thomson, 2005). Democratic peace theorists are of the opinion that non-democracies are societies in which violence and coercion prevail. In such societies, they observed, highly conflictive relations make internal democracy precarious, especially where there is strong opposition. The result is “mistrust and fear within and outside government (Maoz and Russett 1993:625).

Consequently, a non-democratic state apparently lacks the institutional and behavioural constraints for war. It is argued that even a bad democracy “...does not give the leader of the government the incentive that an autocrat has to extract the maximum attainable social surplus from the society to achieve his personal objectives” (Olson,1993:571). Huntington (1984) advances conditions for the institutionalization of democracy, that include: higher levels of economic well-being, the absence of extreme inequalities in wealth and income, greater social pluralism, including particularly a strong and autonomous bourgeoisie, a more market oriented economy, greater influence vis-à-vis the society of existing democratic states, and a

culture that is monistic and more tolerant of diversity and compromise.

In another sense, democracy refers to the control of an organization by its members, who take part in the making of the decision. In other words democracy implies majority rule and respect for fundamental rights of the people.

In sum, the foregoing illuminates the substance and virtues of democracy, as a form of political organization where the allocations of power, influence and resources are determined through approved peaceful channel. Elections (discussed in the previous section), is argued to be the most effective means of determining political outcomes. However, it is arguable if elections held under unstable conditions and characterized by violence and intimidation could yield the ideals of democracy or “democratic dividend”. In other words, there are factors that stand in the way of democratic consolidations – which we discuss in the following section.

Similarly, the 1987 Political Bureau Report gave a lucid clarification and interpretation of elections and electoral processes. It states that four basic conditions are necessary for the holding and conduct of free and fair elections. These include:

1. Honest, competent, and non-partisan administration to run elections.
2. Enabling rules and regulations-electoral laws;
3. A developed system of political parties.
4. An independent judiciary to interpret electoral laws.

In many countries with weak rule of law, some of the reasons why elections do not meet international standards of being “free and fair” is interference from the incumbent government. Dictators may use the powers of the executive (police, martial law, censorship, physical implementation of the election mechanism, etc.) to remain in power despite popular opinion in favour of removal. Members of a particular faction in a legislature may use the power of the majority or supermajority (passing criminal laws, defining the electoral mechanisms including eligibility and district boundaries) to prevent the balance of power in the body from shifting to a rival faction due to an election.

For example, after the 2007 elections, the skepticism of the outcome of decision of election tribunal / courts was further exacerbated when the

cases of Abubakar Atiku and Muhammed Buhari against the election of Umaru Yar'Adua were dismissed without any references to the flaws that were generally observed during the elections that brought Umaru Yar'Adua into power as President of the Federal Republic of Nigeria. The special panel of the Appeal Court headed by Justice Ogebe had heard the matter and dismissed it without acknowledging the flaws that characterized the election which the petitioners sought to establish before the court (Isa and Zakari, 2008).

Non governmental entities can also interfere with elections, through physical force, verbal intimidation, or fraud, which can result in improper casting or counting of votes. Monitoring for and minimizing electoral fraud is also an ongoing task in countries with vibrant civil society, and strong traditions of free and fair elections. In most developing countries, however, the efflorescence of civil society has been hampered by a bevy of factors – state interference, lack of sustainable funding, lack of internal democratic practice, political ambitions, bribery and corruptions etc – with huge implications for their capacity to monitor elections in any credible format. Indeed, in such settings, civil society appears to be an agency that is susceptible to “outsourcing” pass mark for the credibility of elections, even where there are irregularities. This is not to disclaim the existence of few credible non-governmental agencies that are working hard, and with demonstrable degree of integrity and credibility, to ensure that politicians do the right thing during elections and in the course of their tenure.

The debate on the role of civil society in elections manifest in emphasis placed on the need for a credible popular mechanism for choosing leaders and deciding policy outcomes. Exploring the argument further, Wanyande (1987) posits that elections represent a way of making a choice that is fair to all- one that leaves each member of the electorate with the reasonable hope of having his alternative re-elected. An election is therefore an empirical demonstration of a citizen's liberty and political choice. It is for this that it serves to legitimize government. Properly managed, elections provide a veritable platform for conflict resolution and transformation outside the battlefield and without bloodshed. Hence the requirement of elections to be free and fair. Unfortunately, while much lip service is paid to the norms of free elections, too often the reality shows that elections are mere facade for retaining power at all cost. Devoid of the attributes

of freeness and fairness, elections become an empty shell, lacking any real democratic content.

Elections ideally reflect and impact on the possibility of rejuvenating the political leadership through the change of decadent members of the elite and the advancement of the non-elite elements. Economically, elections, properly conducted, promote an environment of capital mobility and higher productivity, especially in a post-authoritarian and post-conflict political order in dire need of reconstruction and development. Indeed, as argued by Villalon (1998:16), "Elections themselves may be a strategy for maintaining power and many African elections... have been clearly intended to forestall change, or even strengthen the status quo." Elections as political stratagems for pursuing these agendas produce quasi-democracies in West Africa.

In liberal democratic theory, an election is a viable mechanism for consummating representative government. Apart from facilitating leadership succession, it promotes political accountability, citizens' participation and give voice and power to the people (Agbaje and Adejumobi 2006). In other words, elections are an expression of the people's will. John Stuart Mill, in his treatise on representative government (Mill 1948: 161) noted that:

the meaning of representative government is that the whole or some numerous portions of them, exercise through deputies periodically elected by themselves the ultimate controlling power, which in every constitution must reside somewhere. This ultimate power, they must possess in all its completeness.

According to Ake (2000), elections are a perversion of democracy because they connote popular but not delegated power. The nostalgia of direct democracy which Ake recounts is problematic in a complex and completed post-modern society. In any case, liberal democracy is in crisis in many countries, developed and developing (Adejumobi 2002). In a nutshell, elections are fast becoming a shadow of democracy (Adejumobi 2000).

ELECTIONS AND DEMOCRATIC CONSOLIDATION

In the words of Diamond (2002: 353), 'elections are the litmus test of a democratic political system'. To that extent, therefore, to define liberal democracy in its essence, is to underline the centrality of elections. Taking the three criteria recognized as defining the hallmark of liberal democratic system, two are categorically anchored on elections. These are

1. Meaningful and extensive competition among individuals and organized groups for positions of government power;
2. A 'highly inclusive' level of political, participation in the selection of leaders and policies, at least through free and fair elections...; and
3. Civil and political liberties, sufficient to ensure the integrity of political competition and participation. (Diamond, 2002: 353).

It is glaring from (i) and (ii) above, election serves focus political competition, and to channel mass political participation in a liberal democratic system. By these two basic purposes, election further serves two other important purposes of accountability and change without which liberal democracy will lose its character, as a responsible and responsive political system (Omojuwa, 2005).

The will of the people would be difficult to gauge in absence of election. Democracy is, therefore, not conceivable outside the confines of elections because election supplies the critical forum for the establishment of democracy. Consequently, the working of democracy is intrinsically linked to election, indicating that the place of election in a democratic set up is well guaranteed. The issue is that since democracy cannot be conceived outside the context of election, the conduct of election should symbolize an essential index in the direction of democracy lending credence to the assertion that election:

...is an important starting point for democratization because the legality of the political opposition, enlargement of the public space through a plural press and a rich array of civic organizations (and) gradual abandonment of undue persecution of conscientious objectors etc (which are all linked to election) are important preconditions for the more elaborate, more arduous and long term task of reconstituting and transforming political ... institutions and political cultures. (Amuwo, 1999: 16)

The importance of election to the democratic process lies in its ability to help produce legitimate and democratic rule by ensuring that those in government are not just the representatives of the government but are also responsible to them. (Olaitan, 2005). As Wanyande (1987: 77) argued:

...the key to mass participation in democracy is...(election). Elections represent a way of making a choice that is fair to all one that leaves each member of the electorate reasonable hope of having his alternative elected.

As the new democracies that substituted authoritarian rule in country after country during the seventies and eighties grow out of infancy, social science observers have shifted their focus from the analysis of transitions out of authoritarianism to problems of democratic consolidation. Current queries centre on the extent to which post-transition political institutions are/become democratic in the long term, whether they are prone to succumb to a new round of authoritarian rule or whether they will prove to be stable or “consolidated”. The modalities assumed by the transition, the way in which political actors are organized, and the various political institutions that emerge or re-emerge during the course of the transition are understood to make a significant difference for a long-term viability of newly democratized regimes (Linz, 1985).

The overall change from an authoritarian to a democratic regime contains, as Mainwaring, O'Donnell and Valenzuela(1992) note, not one but two transitions: the first leads to “installation of a democratic government,” and the second to the “consolidation of democracy”, or to “the effective functioning of a democratic regime”. There is a complex relationship of continuity and discontinuity between the first and second transitions. The building of a consolidated democracy involves in part an affirmation and strengthening of certain institutions, such as the electoral system, revitalized or newly created parties, judicial independence and respect for human rights, which have been created or recreated during the course of the first transition. In this sense, the process of change from one transition to the other is a lineal one. But in many ways there is no such linearity; building a consolidated democracy very often requires abandoning or altering arrangements, agreements, and institutions that may have facilitated the

first transition by providing guarantees to authoritarian rulers and the forces backing them but that are inimical to the second.

Scholars have used different definitions of democratic consolidation. These definitions are based on two conceptions of democracy. One is a “minimalist conception”, emphasizing procedural or formal democracy. The other is a “maximalist conception,” focusing on the outcomes of politics, such as institutionalization of political institutions, social justice, and economic equality. Based on the Schumpeterian conception of democracy (that equates democracy, with regularly held electoral competition), Schmitter (1992) defines the minimalist conception of a consolidated democratic regime as “the process of transforming the accidental arrangements, prudential norms, and contingent solutions that have emerged during the transition into relations of cooperation and competition that are reliably known, regularly practiced, and voluntarily accepted by those persons or collectives, that participate in democratic governance.

To Linz (1985: 150), a consolidated democracy is one in which

none of the major political actors, parties, or organized interests, forces or institutions consider(s) that there is any alternative to the democratic process to gain power and that no political institutions or groups has a claim to veto the action of democratically elected decision makers...

To put it simply, democracy must be seen as “the only game in town”.

In comparison with a minimalist conception of democracy, many scholars adopt “out-come-oriented conceptions” of democracy, or a maximalist conception of democratic consolidation. These scholars argue that both political and socioeconomic democracy is needed for a country’s democracy to be consolidated. This conception includes not only procedural or formal democracy but also substantive democratic elements, such as guarantees of basic civil rights, democratic accountability and responsiveness, civilian control over the military, democratic and constitutional checks on executive authority, and punishment of occupational and human rights abuses (Im, 1996).

Linz, et al (1995:79) analyse the extent of democratic consolidation of newly emerging democratic regimes by using the following criteria:

- **Structural:** It posits that no significant reserve domains of power

should exist that preclude important public policies from being determined by the laws, procedures, and institutions that have been sanctioned by the new democratic process.

- **Attitudinal:** when a strong majority of public opinion acknowledges that the regime's democratic procedures and institutions are appropriate and legitimate, and where support for anti-system alternatives is quite low or isolated from the pro-democratic forces.
- **Behavioural:** when no significant national, social, economic, political, or institutional actor spends significant resources attempting to achieve its objectives by challenging the regime's institutions or rules with appeals for a military coup or revolutionary activities, and when the pro-democratic forces abide by its rules and do not engage in semi loyal politics.

Much empirical research on democratization also favours a procedural or minimalist conception of democracy (see Dahl, 1971). However, many scholars with a maximalist conception of democracy also have tried to broaden the conception of democracy and to strive for qualitative development of democracy in the world. After all, the two conceptions are quite heuristic in that their usage depends on the scholar's own point of view, as well as on his or her research goals.

Wiseman and Clapham (1995:227-228) bluntly suggest that

the consolidation of democracy in Africa also requires a demonstrable relationship between political accountability and the quality of government. Here, as with economic development, there is a potential clash between the principles of accountability which should, in the long term, create more effective systems of government geared to the public welfare and in the short-term expedients, such as political patronage, to which elected regimes may be drawn.

THEORETICAL CONSIDERATION

This study adopts the democracy theory propounded by Joseph Schumpeter. Through his "Capitalism, Socialism and Democracy" (1954) has espoused a modern theory of democracy based on the liberal view.

According to Schumpeter, the classical theory of democracy is no longer valid in explaining the concept of popular participation in the contemporary era. As Schumpeter noted for a system to be named “democracy”, the rulers to be chosen by the ruled or their representatives. By this requirement one of the essential roles expected of the electorates in a democratic system is that of producing the government.

Schumpeter further observed that there must be the existence of periodic elections to afford political parties the opportunities to select candidates for such elections. Through elections the electorates can exercise a measure of control over the actions of government lending credence to the assertion that sovereignty belongs to the people. Schumpeter also emphasized that citizens should be free in a democracy to compete for leadership positions as candidates. As Schumpeter noted the qualities of democracy are stability, efficiency, and tolerance.

The relevance of democracy theory to this study is far-reaching. Since the essence of elections is to entrench democratic consolidation, periodic elections enunciated by Schumpeter as a feature of liberal democracy is expected.

The entrusting of powers of decision making in the hands of representatives is also a way out of the population of citizens in modern times as all the citizens cannot directly take part in decision making.

The recognition of political parties as major hallmarks of multi-party democracy is also typical of the contemporary democratic dispensation. The challenges of elections and democratic consolidation in Nigeria notwithstanding, the existence of freedom of competition for leadership positions, to a large extent, as well as the capacity of democracy to provide a great deal of political stability as asserted by Makinda (1995), lend credence to the relevance of the democracy theory as a framework of analysis of this study.

THE 2011 ELECTIONS: A DIAGNOSIS AND POST-MORTEM

The 2011 General Elections in the Federal Republic of Nigeria were the fourth elections since the country's return to democracy in 1999. The original calendar for the elections indicated that the elections were to be held over three consecutive Saturdays from 2 to 16 April. However, these

dates were subsequently modified for different flimsy excuses which appear to grant undue advantage to the incumbent. Elections took place in the following order: on 9 April for the National Assembly (Senate and House of Representatives); on 16 April the presidential election; and on 26 and 28 April, and 6 May for governorships and State Houses of Assembly.

The leading presidential candidates were president Goodluck Jonathan of the Peoples Democratic Party (PDP), the former Head of the Economic and Financial Crimes Commission (EFCC) Nuhu Ribadu of the Action Congress of Nigeria (ACN), the former Head of State, retired General Muhammadu Buhari of the Congress for Progressive Change (CPC) and the then Governor of Kano State Ibrahim Shekarau of the All Nigeria Peoples party (ANPP).

Despite the explosion of a bomb on 8 April at the INEC office in Suleja, Niger state that killed eleven people, the repeated National Assembly elections on 9 April proved that the decision to postpone the voting was favourable to a positive and peaceful conduct of the Election Day.

On 16 April, the presidential elections were conducted in a generally peaceful and orderly manner with enthusiastic voters, committed to patiently attend accreditation and voting from early in the morning.

President Goodluck Jonathan of the PDP won the election, defeating his closest rivals, Major-General Muhammadu Buhari of the CPC and Mallam Nuhu Ribadu of the ACN. From the results released, Jonathan polled a total of 22,350,242 votes to beat Buhari, who had 11,914,953 to a distant second, while Ribadu of ACN polled 2,049,357. Shekarau of ANPP polled 1,624,543 votes (Adekanbi and Akintunde, 2011).

In their various responses to the election, both domestic and foreign observers and commentators described the election as credible. According to the NLC “the presidential and National Assembly elections was the first controversy-free, all inclusive and demonstrably fair and just elections in the country since colonial times” (Nigerian Tribune 18 April 2011: 3). In a statement entitled: “Salute to Nigerians in the aftermath of the Presidential Elections”, the NLC applauded the sacrifices of the Nigerian populace, who spent hours queuing for accreditation, for the vote, and finally staying behind for the vote count to ensure that their precious votes count (ibid)

Observers from the European Union, the Commonwealth and the

United States, National Democratic Instituted (NDI), expressed guarded optimism on the election. M.S, Robin Carnahan, the Secretary of State of Missouri, United States, noted thus: “the presidential election was the second in a series that appears to mark a turning point for African’s most populous country” (*Nigerian Tribune*, Op Cit). While presenting his team’s preliminary report, Mr. Alojz Peterce, a former prime minister of Slovenia who was chief observer of the 141-member EU Election Observer Mission (EOM) stated that “the presidential elections (last Saturday), means an important step in strengthening democratic elections in the Federal Republic of Nigeria” (EOM Report, 2011).

Ms. Mariya Nedelcheva, the head of the four-member strong delegation of the European parliament noted that “the elections are a convincing proof that the Nigerian authorities, institutions and electorate, are determined to remain owners of their destiny and to run even better elections the future” (EOM Report 2011).

Another preliminary report titled: “Nigeria shakes off stigma of flawed elections,” presented by the chairman of the Commonwealth Observer Group, Mr. Festus Mogae, a former president of Botswana, said Nigeria has now “discarded the notion that the country can only hold flawed elections” (*Nigerian Tribune*, Op Cit).

Notwithstanding the organizational deficiencies that resulted in the April 2 National Assembly elections being aborted after they had started, and in spite of persistent procedural inconsistencies and technical shortcomings, another preliminary report presented by International Republican Institute (IRI), an American-based body that has monitored more than 135 elections in 40 countries asserted that the overall conclusion is that in at least four areas, the election was different from the previous three elections. As Ms. Constance Newman, a member of IRI’s Board of Directors observed the areas to include: “the overall integrity of the electoral process, INEC’s professionalism, the role of security agencies an reduction in cases of election-related violence” (*Nigerian Tribune*, Op Cit).

From the exposition done so far, there was a consensus of opinion among domestic and foreign observers about the sanctity of the 2011 general elections as observable pit falls were not overwhelming as to affect the judgment pendulum to swing in the negative direction (The Nation, April, 19, 2011 p7).

However, some opposition parties refused to accept the verdict of the election results as announced by INEC. The first party to decline endorsement of the results even before it was formally declared was the CPC. The party raised posers about the results from the states in the south-south and south-east. The CPC also criticized results from 22 states and the Federal Capital Territory (FCT). In the petition submitted by the agent of the Action Congress of Nigeria (ACN), Dr Garba Abari at the collation centre at INEC Headquarters, Abuja, the opposition demanded a fresh manual re-calculation of the results nationwide and eventually challenged the results in court contrary to its earlier resolve (*The Nation*, April 19, 2011, p5)

The announcement of the results and the concomitant grievances especially on the part of the supporters of CPC, dovetailed into a state of ambivalence as violence broke out in Kaduna, Gombe, Adamawa, Yobe and Bauchi states. It later spread to other areas in the North as supporters of CPC went on rampage destroying lives and property. A score of citizens were reportedly killed and properties worth billions of naira destroyed in the violence that assumed a religious dimension. Churches and mosques were not spared in the melee as they were set ablaze by hoodlums (*Thisday*, April 20, 2011 p 20).

CONCLUSION

There is no gainsaying that electoral processes offer a safe, predictable, rule-bound method for arbitrating political and social conflicts through the selection of representatives. When elections are credibly conducted, they imbue the government with legitimacy garnered by the consent of the people, improving the capacity of the state to ensure community security through legitimate authority under the rule of law, and to improve the levels of human development through effective governance. Credible elections create legitimate governments that enjoy popular support for programmes and policies.

On the other hand, precisely because election processes are contests through which political power is retained or pursued, and social differences are highlighted by candidates and parties campaign for popular support, they can often generate vulnerabilities for the escalation of conflict into

violence. This can mean “development in reverse” as incidences of violence undermine government legitimacy, scare away domestic and foreign investors, and result in low levels of social trust (Hoeffler and Reynal-Querol (2003).

Since it is widely understood that the ultimate guarantor of social peace is robust democratic institutions such as elections, in order to accelerate democratic consolidation drive in Nigeria, incumbent government must provide an unbiased political climate for all political parties and contestants. The so-called “consensus” candidates imposed on parties during façade primary elections should be discountenanced. Zero-sum game which makes politics to assume a war-fare dimension should be de-emphasized. Adequate security mechanisms should be put in place to mitigate violence before, during and after elections. Adequate planning is necessary to enhance the prospects of free and fair election Abdullahi (2008). Candidates and political parties who feel aggrieved with the outcome of the election should seek constitutional means of redressing their disenchantment.

Above all, the national government, the political parties and other election stakeholders must display unequivocal commitment towards free, fair as well as credible elections and democratic consolidation.

PART THREE

ISSUES OF GOVERNANCE

GOALS AND FAILURES OF ANTI-CORRUPTION AGENCIES IN NIGERIA

Declan Amaraegbu

INTRODUCTION

Nigeria has a history of institutional corruption and pitifully poor governance. At the heart of the country's tragedies is an art form where those who hold public office in trust for the people make cynical and unscrupulous use of office and power for self-serving reasons. The ruling classes, in general, and the political class, in particular, are so deeply engrossed in patronage politics that every party chieftain (stalwart, in Nigerian parlance) expects something in return at the end of every election if his or her party wins, either in the form of an appointment or contracts. For some reasons, the Nigerian society is conducive to the growth of corruption.

First, the rapid population growth from 45.2 million in 1960 to 166.2 million in 2012 increased the demand on public goods and services. The scarcity of these goods and services promoted the opportunities for corruption. Second, as a result of a long military rule when there was no transparency in public service, most of the population has continued the practice of paying bribes to law enforcement officers and civil servants for favour and privileges. Third, government ownership, regulation and control of entrepreneurial activities and the discretion given to the civil servants in charge of parastatals and agencies provide them with rent-seeking opportunities. Fourth, law enforcement agencies, especially the police and immigration, have remained acutely ineffective. The nature of the job they do provides them with ample opportunities for corruption. The

above factors are by no means exhaustive; such other factors as bureaucratic red tape, ethno-religious sentiments and the activities of multinational companies that operate in Nigeria, all act together to nourish corruption in the country.

In this chapter, we shall explore the country's history of corruption and examine the political events that have propelled the troubled 'giant of Africa' to the edge and diminished its global profile. We demonstrate how the Nigerian presidency (including military heads of state) has ignored, manipulated, or simply been naïve about the proper workings of anti-graft projects. We shall begin with early attempts at curbing corruption right from the colonial days, first military interregnum, short spells at democratic experiments, later recurrent military regimes, but concentrate more on President Obasanjo's second coming on May 29 1999 to President Goodluck Jonathan's ascension on May 6 2010.

We shall explore how President Obasanjo awfully (and sometimes outrageously) completely disregarded the rule of law and tyrannically used the Economic and Financial Crimes Commission (EFCC) to bully perceived enemies of his government. We shall evaluate how President Yar'Adua was manipulated at the beginning of his presidency, while his amateurish handling of the EFCC (the only pro-active agency fighting graft) led to the succession crisis that destroyed EFCC's credibility; and how President Jonathan tried to resolve the credibility deficit by refusing to renew Farida Waziri's tenure, but nevertheless, was able to repeat some of the errors of his predecessors. This chapter's examination of Obasanjo's anti-corruption credentials, which include his efforts to give the anti-graft war legal force for the first time and the manipulations that represented a major kick in the groin for his anti-corruption pretensions, gives a realistic insight into the goals and failures of anti-corruption agencies in Nigeria. What we intend to achieve here is to develop a coherent framework for analysing Nigeria's anti-graft project and this represents an invaluable tool to both students, scholars and other interested parties of anti-corruption campaign.

NIGERIA'S ANTI-CORRUPTION PROJECTS: AN OVERVIEW

Patronage is part of Nigeria's prebendal politics. So significant and

appealing, and yet so elastic and abused, is the mantra of the 'war against corruption' that it has been used or invoked as an organizing principle for any critique or articulation of political opposition against incumbent administrations in Nigeria. But the *war against corruption* like any other war must be fought on the basis of a correct philosophical interpretation of the sources of the problem. A war against corruption demands a thorough articulation of intents and what defines the re-establishment of discipline and decency. Reeling out anti-corruption laws and setting up anti-graft commissions are simply not enough. Are those who want to prosecute the war sincere? An attempt to answer the question leads to two more questions: Are there rules of engagement? How can a presidency that enjoys an arbitrary use of power against people that express legitimate dissent against injustice or the abuse of democratic values expect to exercise moral authority to discipline anybody?

To be clear, there is not much that is new in the formulations above. What we are saying now may have been said by many analysts. The only new element in what we are saying is implicit: the system dynamics (inappositely called the "*Nigerian factor*") and immoderation of Nigeria's leadership hierarchy, as well as many other factors, help to nourish corruption in the country. Of course, the leadership question features most prominently in virtually all reported analyses of Nigerian corruption. One thing that is evident is the recognition of leadership deficit as an important factor in understanding Nigeria's below-average performance in the war against corruption.

In his thought provoking book, *The Trouble with Nigeria*, Professor Chinua Achebe identifies leadership failure as the bane of development in Nigeria and offers an uncompromising and unflattering critique of Nigerian political leadership class's vainglorious claims of accountability and exemplary leadership. He challenges the election-rigging and rent-seeking political class with absolute passion, audaciously and umbrage. To him, leadership matters because it is meant to inspire and stimulate socio-economic growth. And because Nigerians have been made naive by many decades of inept, corrupt leadership, Achebe makes all his declarations with audacity. The trouble with Nigeria, declares the eminent novelist, is simply and squarely a failure of leadership... The Nigerian problem is the unwillingness or inability of its leaders to rise to their responsibility, to the

challenge of personal example, which is the hallmark of true leadership. Nigerians, he concludes, are corrupt because the system under which they live makes corruption easy and profitable (Achebe, 1983:1).

Achebe's thesis enjoys wide acceptance in the academia and even within the political class. We acknowledge the moral weight of Achebe's argument and add that politics without principle is at the core of Nigeria's corruption conundrum. However, the revered novelist appears to have neglected the system dynamics factor (or the Nigerian factor) or the influence of environmental variables. There is no escaping structure – agency issues, a key understanding mechanism in the social sciences, when discussing Nigeria's (corruption) problem. Archer (1966: xii) and Giddens (1976:75) are among prominent scholars who have proposed that the structure-agency issue is an important theoretical subject within the social and human sciences. The structure-agency approach helps to answer the question of action, for example, how can an Igbo man in a position of authority do what he wants with a Yoruba man or Hausa man when all three of them have different goals, and sometimes these goals are incompatible with one another? We share Hay's (1995:189) view that every time we construct, however tentatively, a notion of social, political or economic causality we appeal, whether explicitly or implicitly, to ideas about structure and agency (*ibid.*). The "Nigerian factor" – in its various historical phases and forms and through various woes it develops as it continues on its destructive trajectory – cannot be neglected when discussing why Nigerian anti-graft campaigns do not work. We explain with the following illustration.

The image of Tafa Balogun, a former inspector-general of police and a once powerful state figure, being hauled before a court in handcuffs became a media sensation in 2005. However, beyond the drama of arrests that Nigerians witness and the comic relief that they provide, the incorrigible corruption that has pervaded the land is an indictment of the country's anti-graft advocacy. But then, it is much more than that. It is the window into a much deeper national problem, the Nigerian factor. Therefore, if we focus on the Baloguns, Alamiyesieghas, Iboris and many others (they are not in short supply), we miss the point. For this author, Nigeria's corruption crisis mirrors the crisis of the country's nationhood. It is the consequence of flawed *system dynamics* and the power relations

in Nigeria where outlaws are permitted to wear the badge of the juror. And a federation whose foundation is based on a faulty structure-agency interaction is bound to produce a bizarre form of government. Given the opportunity, many Nigerians who preach against corruption today will dip their hands into the cookie jar. Clearly, any attempt to understand Nigeria's corruption crisis without focusing on the environmental variables would amount to an exercise in futility.

Our thesis is this: ultimately, for Nigeria's war against corruption, the singular question will be: How can the Nigerian factor be dealt with in a social formation that puts national common wealth in the pockets of a few "*stakeholders*"? We do not intend to dwell on Achebe's prognosis beyond this point – except to say that there is something inherently wrong with a policy of superfluity that has failed to deliver on its promises since 2005, when Tafa Balogun, a once powerful security chief, was hauled before a court in handcuffs. It is hard to deny that there is a vital sense in which Achebe is right on target. Indeed, it is impossible to undertake any analysis of events in Nigeria without coming to the conclusion that, in concert with bad leadership, Nigerians are collaborators in their own ruin and devastation as well as promoters of the political and socio-economic tragedy in which the country is mired.

Blaming anti-corruption commissions for pervasive corruption in Nigeria is like blaming supermarket cashiers for alcoholics drinking themselves into an early grave on cheap booze. Indeed, corruption is a monster that all Nigerians helped to create. Nigerians like to glorify vanity and celebrate narcissism – almost everyone in the community is a willing participant in this "*turn-by-turn*" merry-go-round – even the ethnic partisans or "*regional stakeholders*" themselves, who quite happily react furiously when one of their own is indicted for corruption. Achebe made his diagnosis many years back. Yet, in 2015, the federal government had not only exposed the hollowness of its anti-corruption advocacy, but had also failed woefully to clean up decades of malfeasance. Indeed, corruption has become so pervasive that it is a factor in the general power struggle in the country and, more specifically, in the battle for presidential office.

Before taking up the anti-corruption instruments and expanding on the questions presented above, it would be necessary to preface what we have to say with an important observation. In an article on corruption

control in Singapore, Koh Teck Hin, Deputy Director of (Corrupt Practices Investigation Bureau) CPIB, outlines the salient points which form the core of the country's anti-corruption campaign and captures several manifestations of all that is wrong with Nigeria's anti-graft war:

On the whole, the overall strategic approach to fighting corruption applies across the board, with no distinction made on whether it is petty corruption or high level corruption. No exception is made for anyone and there are no 'black areas' where the law cannot deal with. In our experience, the same commitment to action is necessary in order to be successful in curbing corruption at all levels (Hin, 2012: 122).

This author believes that, in Nigeria, areas of difficulties with the anti-graft war derive primarily from the shortfalls in implementing the goals of the project which, though well intended, deviate from the original objective of the self-aggrandizement of the "*ogas at the top*." This four-word slang (made popular by Obafaiye Shem, former commandant, Nigerian Security Civil Defence Corps (NSDC), Lagos State) is a quintessentially Nigerian phrase whose negative connotations derive from society's blind loyalty to the rich and powerful. It translates as the privileged individuals that superintend the affairs of the country, either from inside government or from the sidelines.

Every intellectual postulation on anti-corruption proceeds from the notion that corruption is the behaviour of officials in the public sector, whether politicians or civil servants, who improperly and unlawfully enrich themselves or those close to them by the misuse of public power entrusted to them (World Bank, 1997:8). But anti-graft projects involve the idea of promoting good governance in all its aspects, including by ensuring the rule of law, improving the efficiency and accountability of the public sector, and tackling corruption, as essential elements of a framework within which economies can prosper (IMF, 2005).

To guard against misrepresentation, governance in a general sense should be understood as a broader concept. It encompasses all aspects of the way a country is governed. Corruption, also defined in terms of advancing personal interest taking advantage of one's office (USAID, 1999:5), is a narrower concept than governance. But both concepts are closely linked.

Where there is good governance, the incentives and scope for corruption are seriously limited. Therefore, the promotion of good governance helps in fighting corruption. Promoting good governance helps in raising public awareness about the ills of corruption and in strengthening the enforcement of anti-corruption laws.

PAST ANTI-GRAFT PROCLAMATIONS: A BRIEF SYNOPSIS

The Nigerian leadership class has been transformed by the corruption of the political power recruitment process. The early history of anti-graft advocacy in Nigeria is interwoven with successive administrations. In one way or the other, anti-corruption campaigns and enforcement arrangements always existed in Nigeria, even before independence. As early as 1954, corruption was already evident in Nigeria. There was the Foster-Sutton Tribunal of 1956 that investigated untoward movement of public money in the Eastern Region to fund the African Continental Bank which was believed to have diverted public funds to Zik Group of Companies. There was also the investigation of late Chief Obafemi Awolowo by the Coker Commission of Inquiry (Amaraegbu, 2010: 96). Awolowo died on May 9 1987. Before May 29 1999, extant anti-corruption laws and decrees included the following:

- Investigation of Assets (Public Officers and Other Persons) Decree of 1968
- Corrupt Practices Decree 1975
- Public Officers (Special Provisions) Decree 1976
- Recovery of Public Property Decree 1984
- Public Complaints Commission Act Cap 377, Laws of the Federation 1990
- Code of Conduct Bureau and Tribunal Act Cap, Laws of the Federation 1990
- Criminal Code Act Cap 77, Laws of the Federation 1990
- Banks and Other Financial Institutions Act 1990
- Recovery of Public Property (Special Military Tribunal) Act Cap 389, Laws of the Federation 1990
- Failed Banks (Recovery of Debts) and Financial Malpractices Act No. 18 of 1994

- Failed Banks Act No. 16 of 1996
- Advance Fee Fraud and other Related Offences Act No. 13 of 1995
- Foreign Exchange (Miscellaneous Provisions) Act No. 17 of 1995
- Money Laundering Act No. 3 of 1995

In the First Republic (1960-1966), Tafawa Balewa's government declared corruption as the nation's enemy (Iredia, 2005:8). General Ironsi's regime, Nigeria's first military administration, struck swiftly against corruption and graft, detaining a number of former political officeholders (Diamond, 1995: 428). His regime promulgated the Public Officers (Investigation of Assets) Decree No 5 of 1966 which empowered the head of state to require public officers to declare their assets. There were also tribunals that investigated the corrupt behaviours of establishment officials.

Nigeria's first military coup took place on January 15 1966. Although, the actions and motivation of the principal actors have been the subject of controversies over the years, the officers behind the coup said they were motivated by the need to reinforce national unity and eradicate corruption (Fayemi, 1999:69). Announcing the coup, the actors' motives were simple and unpretentious:

Our enemies are the political profiteers... men and women in high and low places that seek bribes and demand 10%, those that seek to keep the country divided permanently so they can remain in office as ministers or VIPS ...those that make our country look big for nothing before international circles, those that have corrupted our society and put the Nigerian political calendar back by their words and deeds (Nzeogwu, 1966).

General Gowon's regime (1 August 1966 – 29 July 1975) promulgated the Corrupt Practices Decree 38 of 1975. His early political gains were depleted due to mounting corruption scandals. His military governors ran Nigeria's 12 states like private fiefdoms, and the federal government was rife with misconduct. In 1975, senior defence ministry and the Central Bank of Nigeria officials were implicated in a cement scandal. They were accused of falsifying shipping manifests and inflating the amount of cement to be purchased in order to rake off public funds. As it turned

out, government had ordered 20 million tons of cement from 68 international suppliers for delivery at Lagos but in reality, the Lagos port had the capacity to accept only one million tons of cargo per year (Lewis, et al.1998:37). Under the Generals Murtala and Obasanjo regime (July 25, 1975 –September 30, 1979), an Assets Investigation Panel to probe the assets of state military governors, federal commissioners, and other officials was established. Also, the regime enacted the Corrupt Practices Decree No 39 of 1975, pronounced the popular “Jaji Declaration” on corruption in 1977 and established the Public Complaints Commission.

During the Second Republic, President Shehu Shagari’s National Party of Nigeria (NPN)- led civilian government (October 1, 1979 – December 30, 1983) launched the ‘Ethical Revolution’ in November 1982, included a code of conduct for public servants in the 1979 constitution, and established the Code of Conduct Bureau (CCB) to enforce the prescribed public official behaviours (Klitgaard,1988:1). President Shagari’s anti-corruption credentials, like those of subsequent leaders, grappled with credibility problems. As it turned out, Shagari’s administration was notorious as an enabler of bare-faced corruption and contract inflation. For all the declarations he made on fighting corruption, he presided over an administration where– under his very gaze – his ministers and party “bigwigs” stole Nigeria dry.

When Generals Buhari and Idiagbon (December 31 1983 -August 27 1985) toppled President Shagari’s civilian administration in a military coup, they declared that the military was compelled to seize power to save Nigeria from rampant corruption, ineptitude and profligacy that had characterized both the federal and state governments of the country(Agbese,1998:ix). The regime promulgated the Recovery of Public Property (Special Military Tribunals) Decree, 1984. Many high-ranking public officeholders, including some ministers, presidential aides, state governors, and commissioners, were tried and convicted by the tribunals. The regime launched the ‘War Against Indiscipline’ (WAI) as an instrument of controlling corruption. General Babangida’s regime (August 27, 1985 –August 27, 1993) introduced the Code of Conduct Tribunal in 1989 to hear corruption cases. Also, his regime introduced the Audit Alarm System (AAS) which was to serve as a policy instrument that could guide the spending of local government funds. His regime, like others,

was rotten to the core, corrupted by power and motivated by greed. Major Gideon Orka, in a failed attempted coup to wrest power from Babangida, said that the coup was motivated by the unabated corruption and mismanagement of the national economy that characterised the regime (Orkar, 1990). Even the short-lived Ernest Shonekan's Interim National Government (ING) (August 27, 1993 –November 17, 1993) declared that government could no longer ignore the issue of corruption which had become endemic in Nigeria.

General Abacha overthrew the ING and assumed power (November 17, 1993–June 8, 1998) and vowed to sanitize Nigeria. He instituted the Failed Banks Tribunal and promulgated the Advance Fee Fraud and Other Related Offences Decree no. 13 of 1995. General Abacha's anti-corruption credentials were a ruse. His death revealed the global nature of official graft. French investigations of bribes paid to government officials to ease the award of a gas plant construction in Nigeria led to the freezing of accounts containing about US \$100 million belonging to various state officials and army the hierarchy (Igbikiowubo, 2004).

When Abdulsalami Abubakar assumed office (June 9, 1998 –May 29, 1999), his regime ordered all senior government administrators and ministers to disclose their personal assets (Boomie, 2005). For Ibagere (2000), despite all the grandstanding by the administration or state officials and protestations to the contrary, the Nigerian society remained an emblem of crass materialism, leaders famous for financial excesses, and the public service a symbol of graft. Right from the colonial times, anti-graft war has existed in one form or another in Nigeria, but over the years, it has become a convention in the country that an incoming government makes pronouncements about the '*war against corruption*.'

However, it was Obasanjo, in his second coming, on May 29, 1999 that ushered in an "*all-out war against corruption*". His election in 1999 was reminiscent of the experience of Nelson Mandela, the revered South African former president. Like Mandela, Obasanjo emerged from prison to the presidential palace. An ardent critic of corrupt military regimes and founding member of Transparency International (TI), Obasanjo provided the best description of what Nigeria had evolved into, especially in the years of military monopoly of political power in the country. Apparently alluding to the stifling control of the likes of Generals Babangida and

Abacha, with rapacious looting of public funds, abuse of office and countless unresolved assassinations of those with dissenting views, Obasanjo lamented that past administrations failed to seek out the evil forces that had conspired to keep Nigeria perpetually in the dark. He passionately advocated the need to deconstruct and ultimately set Nigeria's quest for accountability on a path of transformation from the paradigm that had for long defined the country's political system. Obasanjo's declaration had a special emphasis which struck a chord in Nigerians. He said:

Corruption, the greatest single bane of our society today, will be tackled head-on at all levels. Corruption is incipient in human societies and in most human activities. But it must not be condoned. No society can achieve anything near its full potential if it allows corruption to become the full-blown cancer it has become in Nigeria; the rampant corruption in the public service and the cynical contempt for integrity that pervades every level of bureaucracy will be stamped out (Obasanjo, 1999).

Obviously, the deduction from this declaration is that, in spite of previous 'wars' declared on corruption, waging an all-out war against it was still a critical issue, as the president committed himself to stamp out the '*rampant corruption in the public service and the cynical contempt for integrity that pervades every level of bureaucracy*' in Nigeria.

Indeed, upon assumption of office as civilian president, Obasanjo argued very perceptively and convincingly that the impact of corruption was so rampant and had earned Nigeria a very bad image, a reference to Nigeria's continued ranking by TI as one of the most corrupt nations in the World (Obasanjo, 1999). His government set about its war against corruption in order to redeem the tainted soul of the nation, the largest in Africa, from the scourge of corruption (Timberg, 2005). Obasanjo tried to be courteous, polite and cautious, to make his points as strongly as possible but without antagonising or deliberately courting antagonism from the '*big masquerades*' who were going to be caught in the crossfire of the raging war. He appeared like a convinced constitutional democrat who would want to rid Nigeria of corruption through robust anti-corruption laws and commissions and continuous reforms, without resort to illegality.

None before him was more scathing about how the military and

civilian leadership class lubricated the wheel of corruption than Obasanjo. He was of a mind that the country had become a laughing stock after several years during which military rule reduced Nigeria to a corruption haven. Obasanjo almost lost his temper while discussing what his government would do about corruption, a retrograde virus in Nigeria's soul. The new administration, he said, would not harbour sacred cows and that he, as the president, would not permit *business as usual* (*Thisday*, 2005:16). His declaration was a reflection of growing concern in the country that establishment officials were playing a more central role in oiling the wheel of corruption. Although, some received his declaration with pessimism, and there were legitimate grounds to be pessimistic, Obasanjo's anti-corruption posture was motivated by a combination of several factors.

First, his empowerment as Nigeria's civilian President was a significant political development whereby he could affect or be affected by Nigeria's actions, objectives and policies. Based on his role as a founding member of TI, Nigerians had reasons to hope that the new era led by him would fit the definition of the type of governance implicitly upheld in the constitution. Although Obasanjo was wedded to the military adventurism that had strong anti-democratic tendencies for a long time, his second coming appeared to have a more populist, anti-elitist content and was more in tune with the needs of contemporary Nigeria. His second coming and his pronouncements raised expectations of the new Nigerian democracy sky-high.

Second, there was the brigandage and rapacious looting that characterized successive military regimes including the '*Abacha loot*' stashed away in foreign bank accounts. Obasanjo's election was thus a timely intervention that spoke to the yearnings of Nigerians to defeat the corruption of the country's political process. Third, there was the need to redeem Nigeria's image from its awful status as the home of corruption. Nigeria's battered image and the frustrations of the years of military rule were not lost on the mass of the Nigerian people; hence, the yearning for a new definition of political leadership. Obasanjo appeared to be responding to the challenges of Nigeria then. Fourth, IT continued to consistently rank Nigeria in the league of the most corrupt nations in the world. The above factors combined with the global war against money laundering and terror, championed by the US, to give Nigeria's anti-corruption declarations, a

measure of believability.

GOALS OF NIGERIA'S ANTI-CORRUPTION AGENCIES

According to TI (2007: xix), the need to push for laws that criminalise different aspects of corruption remains the core motivation that drives all anti-corruption projects. But enacting anti-graft laws and establishing anti-graft commissions is far from being enough. As this chapter shall establish, in the bandwagon of making pronouncements, passing and creating special governmental anti-corruption units, there are many whose commitment to really address the problem is seriously in doubt (Kaufmann, 2000:34). Sustained anti-graft projects in Nigeria, as elsewhere in the developing world, developed in response to the demands of a renewed good-governance strategy. In this spirit, Obasanjo took some commendable strong-minded steps to make good his threat of “*no business as usual*”. He favoured a courageous and uncompromising prosecution of the war against corrupt practices and abuse of office in all its ramifications. The primary goals of his anti-corruption projects seemed clear.

The first goal was to drastically reduce the incidence of corruption through arrest and prompt prosecution of those indicted of corruption. Also, it was Obasanjo's desire to satisfy one of the conditions of the international Financial Action Task Force (FATF) to remove Nigeria from the list of recalcitrant countries in international financial transactions (Amaraegbu, 2011:186). To achieve this, existing anti-corruption laws were to be strengthened and assisted by anti-corruption commissions that had the force of law. The second goal was to minimise incentives for corruption as much as practically possible through comprehensive public sector reforms: privatisation and deregulation, increasing transparency and accountability in the public contract system. The Nigerian contract system is a breeder of corruption on a massive scale, representing an unequal exchange between the predatory leadership class and the people. This and, of course, the lack of accountability are some of the main sources of corruption in Nigeria. Careful implementation of these policies would reduce the opportunities for contract inflation, bribery and all other abuses in public office.

Obasanjo's third goal was to find a way to locate and retrieve stolen

public funds stashed in foreign bank accounts by past public officeholders. This goal was to be achieved through collaboration with international financial organisations, foreign governments and the adoption of several international anti- corruption and money laundering conventions. His efforts paid off, as they led to the recovery and repatriation of the infamous Abacha loot from foreign accounts worth billions of dollars. In 2000, a Swiss banking commission report indicted Swiss banks for ignoring compliance procedures in allowing Abacha's friends and family members' access to accounts and depositing amounts totalling \$600 million US dollars into the accounts. The same year, a total of more than US \$1 billion was found in various accounts throughout Europe (Pallister, 2000). The fourth goal was to ensure that Nigeria escaped international sanction or isolation which might discourage international direct investment. In one of his numerous presidential communications dwelling on corruption and the need for transparency and accountability, Obasanjo had said:

Our avowed zero-tolerance for the scourge of corruption derives from our conviction that countering corruption and promoting public integrity are critical to economic rebirth and sustained development ... The globalized world in which we live today has become hostile to corrupt nations and their citizens. The first consideration in receiving support or assistance from the international community today is the level of corruption in that country. The implication is that we have no choice but to change our ways. (*The Punch*, 2005).

In the light of the above, Obasanjo, in February 2004 established the Nigeria Extractive Industry Transparency Initiative (NEITI) to help promote transparency and engender due process in the country's extractive industry. One of the set goals of NEITI was to eliminate all forms of corrupt practices in the determination, payments, receipts and posting of revenue accruing to the federal government from extractive industry companies (NEITI, 2006). According to the Organisation for Economic Co-operation and Development (OECD) (2003:3), transparent procurement can help limit bribery and corruption, which are particularly rampant in the area of procurement. So, in June 2003, the government established the Budget Monitoring and Price Intelligence Unit (BMPIU),

also known as Due Process, to check widespread corruption and abuse of the procurement process in public procurement and service delivery. BMPIU was administered under the office of the principal secretary to the president. It was an executive creation that lacked legislative input.

The goals of BMPIU are to: ensure that due-process principles in procurement through contract systems were strictly enforced; monitor the implementation of all federal government projects with integrity in line with due-process principles; and promote transparency, accountability, and value-for-money in all public procurement transactions (BMPIU, 2003). Government also initiated the process of recovery of looted funds from foreign banks, and set up ad-hoc panels of inquiry to investigate and report allegations of corrupt practices, especially failed contracts. It established the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and subsequently the EFCC to investigate and prosecute individuals implicated in corrupt practices and economic crimes. His government embarked upon the reform of the public sector through privatization of public enterprises and the monetization policy. He signed international anti-corruption instruments such as UN conventions, regional (African Union, AU) conventions and sub-regional (Economic Community of West African States, ECOWAS) protocols on corruption.

ICPC, EFCC AND OBASANJO'S ANTI-GRAFT CAMPAIGN

In the wake of the September 11, 2001 terrorist attack (since otherwise known as 9/11) on New York, USA, it became fashionable and a measure of international solidarity for nations to enlist in the global war against terrorism and money laundering. EFCC was set up to combat money laundering and other organised trans-border crimes being perpetrated in Nigeria. EFCC was founded in 2003. Its first establishment Act 2002 was repealed by a bill of the National Assembly and re-enacted as EFCC (Establishment) Act, 2004 and the Money Laundering (Prohibition) Act 2004. Its establishment was in response to the Financial Action Task Force (FATF) anxiety about Nigeria's Anti-Money Laundering and Combatting the Financing of Terrorism (AML/CFT) laws. Part 11 of EFCC's establishment act specified its goals and functions, including investigation of all financial crimes, advance fee fraud, money laundering...fraudulent

encashment of negotiable instruments, contract scam, etc. Section 7 of the Act empowered the commission to investigate the properties of any person if it appears to the commission that the person's life style and extent of the properties are not justified by his source of income. The Act empowers the commission to question any person who is found to be living above his official income.

During the period under review, there was near-national consensus that the EFCC was more effective than the ICPC. We deliberately choose not to reel out the statistics of prosecution, convictions and monies recovered by both commissions. The reason is that the data in public domain do not reflect the differences in the mandates of the two commissions. While the EFCC mandate covers both the public and private sectors of the Nigerian economy, the ICPC focuses on the public sector alone.

ICPC and EFCC were not the only measures introduced by Obasanjo, but both were created by acts of parliament. ICPC, which focuses on the public sector, was the first anti-corruption commission set up by the Obasanjo administration under the Corrupt Practices and other Related Offences Act 2000. Inaugurated on September 29 2000, it was mandated to employ all available legal means to rid Nigeria of greed, avarice and all vestiges of corruption and to promote transparency, probity, accountability, and integrity in the public and private lives of all Nigerians (ICPC, 2000). According to section 6 (a-f) to its establishment act, the main goals of the commission are:

- Where reasonable grounds exist for suspecting that any person has conspired to commit or has attempted to commit or has committed an offence under this Act or any other law prohibiting corruption, to receive and investigate any report of the conspiracy to commit, attempt to commit, or the commission of such offence and in appropriate cases, to prosecute the offenders.
- To examine the practices, systems and procedures of public bodies and where in the opinion of the Commission, such practices, systems or procedures aid or facilitate fraud or corruption, to direct and supervise a review of them.
- To instruct, advise and assist any officer, agency or parastatal on ways by which fraud or corruption may be eliminated or minimised by such officer, agency or parastatal.

- To advise heads of public bodies of any change in practices, systems or procedures compatible with the effective discharge of the duties of the public bodies as the Commission thinks fit, to reduce the likelihood or incidence of bribery, corruption, and related offences.
- To educate the public on and against bribery, corruption and related offences.
- To enlist and foster public support in combating corruption

Upon its establishment, the Commission earnestly began to exercise its powers and discharge its functions. By early 2003, barely three years of its existence, ICPC had received a total of 942 petitions. By August 2003, nearly half the petitions were under investigation, and about 60 were at various stages of prosecution (*Thisday*, 2003:10-12). Although the commission prosecuted a number of prominent Nigerians such as Ghali Umar Na'Abba, Speaker of the House of Representatives (2002), Fabian Osuji, Minister of Education (2006), and Cornelius Adebayo, Minister of Communication and Transportation (2007), it could not secure any high-profile convictions. The commission made a very impressive start, but after the initial zeal, it began to falter. Its failure to secure high-profile convictions in Nigeria's growing regime of kleptocracy opened the flood-gate to public debates about government's sincerity to enforce discipline in public office.

During Obasanjo's first tenure, Julius Makanjuola, Obasanjo's cousin and then permanent secretary in the Ministry of Defence, was implicated in the theft of over N400 million (*Daily Trust*, 2002). In a reciprocal gesture, the former Attorney-General of the Federation (AGF) and Minister of Justice, Kanu Agabi, submitted a case of *nolle prosequi*, a refusal to pursue the charges, on the day an Abuja high court was scheduled to deliver judgment on that case. There was a much more serious dimension to EFCC's reluctance to prosecute Makanjuola. Agabi and EFCC chair, Ribadu both received career boosts under General Abacha's dictatorship. Agabi worked with Abacha as a consultant at the Failed Banks Tribunal (FBT), while Ribadu was police investigator and prosecutor and also served as a member of the FBT. On coming to power in 1999, Obasanjo appointed Agabi as the Attorney-General and he recommended Ribadu for the chair of EFCC. It is for some reasons that Ribadu dragged his feet

in getting Makanjuola, President Obasanjo's cousin arrested and charged soon after the scandal broke out. Ribadu's EFCC was more restrained in that move arguably because of his understanding of the full implications and ramifications of "*biting the finger that fed him*" and not so much because of lack of evidence. That position seemed to have influenced Ribadu's predisposition to side more with Agabi's position than with public opinion. In 2005, Ribadu had personally investigated corruption scandals at the Nigerian Ports Authority (NPA). His report indicted Bode George, the former Deputy National Chairman (South) of PDP and chairman of NPA's board from 2001 to 2003 for abuse of office and contracts inflation, but George was not charged to court.

It was only in August, 2008 that Farida Waziri, Ribadu's successor, revisited George's indictment which the EFCC had given in 2005. In October 2009, George and five other members of the board he chaired were handed two-year jail terms without any option of fine. But George was indicted by Ribadu in 2005 but was not charged to court. Under Obasanjo, it is not certain if George would have had his day in court. It was beyond Ribadu's brief to arrest the Deputy National Chairman, a *big masquerade* in the president's party. This remained the trend of the struggle between President Obasanjo and the political class in the anti-graft project, contrary to his claims not to harbour 'sacred cows'. The apposite response of Abubakar Umar, a good governance crusader bears testimony to this fact. In a letter to President Obasanjo, Umar told him that the anti-corruption project as then understood and in the context of the existing political economy, to which all the factions, fractions and segments of Nigeria's leadership classes subscribed, made the project an exercise in futility. In his words:

Mr. President, I must be bold to tell you that nobody believes in your anti- corruption war... Although corruption is fast trickling to the lowest level of government, over 50% of it occurs in the presidency ... In the few instances where your government has prosecuted people for corruption, they invariably turned out to have political disagreements with you (Umar, 2004:8-9).

Umar put into perspective the issues at stake in Nigeria's anti-corruption

project and his testimonial underscores why Nigerians dismiss government proclamations about fighting corruption as mere rhetoric. It is encouraging that a citizen of Umar's standing could relate with government's lip-service anti-graft crusade with so much forthrightness.

Obasanjo himself was tainted with corruption scandals. He set up two anti-corruption commissions and used every opportunity to preach accountability and transparency in public office. But he did not practice what he preached. While the EFCC went after those who disagreed with his political views, President Obasanjo was in plain view accumulating wealth for himself, acquiring 200 million shares (through a blind trust) in Transnational Corporation Plc (Transcorp), and establishing a private university while still in office. In other words, the man who sermonized against abuse of office lacked the discipline to live above board. Towards the twilight of his administration, Obasanjo sought to reserve leadership of the ruling party for himself through a constitutional declaration that would make him indispensable in the scheme of things. Days before leaving office, he controversially sold off two of Nigeria's three troubled oil refineries to a consortium of investors including Transcorp, a highly favoured consortium that has purchased a number of high-profile government assets since its formation in 2004 (Human Rights Watch, 2007). Transcorp has itself been a target of controversy since it became known that Obasanjo acquired 200 million shares of its stock through a 'blind trust'. As an illustration of the degree of corruption in Nigeria, that 'blind' acquisition did not appear dramatic enough to raise a lot of highbrows.

Atiku's reputation as a former high-ranking customs officer is far from being untainted by corruption, and as Obasanjo's vice president, he oversaw government's privatization programme, through which some national assets were sold to top public officeholders, their family members, friends, relations and acquaintances at incredibly low prices. As this author has argued elsewhere, the view that government was serious and that leaders were committed to the project in the face of weighty revelations lacks the strength of conviction (Amaraegbu, 2010:117). Obasanjo promised but failed to meet those expectations by failing to lead a government that genuinely prosecuted an unbiased war against corruption.

Accordingly, Obasanjo allegedly sought to influence a constitutional amendment that would permit him to run for a third term in office. In

November 2005, the first amendment proposal was tabled in the Senate. There were leaks that Abubakar declared himself against any plans to elongate Obasanjo's rule, after waiting for eight years for his turn to be president. Finally, in May 2006, the senate threw out the move to amend the constitution which would allow Obasanjo seek re-election after claims that legislators were offered up to N50million (over £200,000) in bribe to back the amendment (BBC, 2006). After the legislature threw out the bill, Obasanjo backed down but not without retaining enough of his intentions as to alienate Atiku Abubakar, the Vice President. In September 2006, the PDP expelled Abubakar from the party, and the following month an official report indicted him for corruption. In November, he got favourable judgments from the courts. In December, the opposition Action Congress (AC) nominated him as its presidential candidate for the April, 2007 election. In that election, which was considered enormously flawed, PDP's candidate, Umaru Yar'Adua, was declared winner with over 24.6 million (about 70%) of the total votes cast (International Crisis Group, 2007).

About three months leading up to the 2007 general elections, government manipulated the EFCC into selectively pursuing opposition politicians and the president's opponents within the ruling party. EFCC compiled a list of 135 candidates and claimed that they were corrupt and thus unfit to run for public office. While majority of those indicted were either opposition candidates or individuals within the PDP seen as the president's political enemies, the commission omitted the names of several powerful people within the PDP widely seen as corrupt and whom Ribadu, the EFCC chairman, had publicly denounced as corrupt previously (Human Rights Watch, 2007). Obasanjo used Ribadu's EFCC to ban his political opponents in the April 2007 election. The EFCC's failure to compile a genuine list of corrupt public officeholders unqualified for public office was the height of the commission's failure in the advertised war against corruption. Indeed, one of the arguments against Ribadu's EFCC is that President Obasanjo used it as an *attack dog* against his opponents. A counter-argument is that those that found themselves in trouble with the law suddenly turned around to claim persecution owing to their principled opposition to government policies. Ribadu's failure to compile a genuine list of corrupt politicians seems to have vindicated those who charged Ribadu's EFCC of "*selective justice*."

Now, recall that it is the problem of inordinate greed and abuse of power in Obasanjo's presidency that are relevant in this narrative. It is not certain whether or not May 2006 (when the senate threw out the move to amend the constitution which would allow Obasanjo seek a third term in office) will be remembered by Nigerians as the month that ended Obasanjo's hypocritical 'war against corruption'. The people, through their elected representatives, stopped Obasanjo's plans to cause a constitutional amendment that would elongate his stay in power after eight years, and that Nigerians applauded when the Senate obliged them.

NIGERIA'S ANTI-GRAFT WAR UNDER PRESIDENT UMARU YAR'ADUA

President Umaru Yar'Adua, who died at the peak of his political career on May 5 2010, appeared so honourable and morally adequate. But when a president intentionally takes a step to shield incorrigibly corrupt individuals for political convenience, his honour and moral goodness are called into question. Against the background of the manner he sensationally changed the headship of the EFCC to the way his attorney-general tried to whittle down the efforts of the commission, this section examines some of the highs and lows of his administration's anti-corruption credentials.

On May 27 2007, Yar'Adua was sworn in to succeed Obasanjo. He used the occasion of his inauguration to make a number of declarations, some of which were weighty and instructive. He exuded some measure of infectious optimism and declared expectantly that his government will intensify the war against corruption (Yar'Adua, 2007). To him, it was necessary to encourage responsible, corruption-free leadership and significantly alter the '*nest-of-corruption*' perception of Nigeria in the world. The anti-corruption war, under him, was going to be prosecuted within the principles of respect for the rule of law and human rights.

EFCC began to prosecute some of the indicted former governors for corruption after their immunity expired in May 2007. In July 2007, former governors Jolly Nyame (Taraba State), Orji Uzor Kalu (Abia State), Saminu Turaki (Jigawa State), Joshua Dariye (Plateau State) and Chimaroke Nnamani (Enugu State) were arrested and charged for corruption and money laundering. But none of them was convicted. On

July 26 2007, former Bayelsa state governor, Alamiyeseigha, who had been arrested and prosecuted in December 2005 after being impeached, pleaded guilty to six charges before a high court and was sentenced to two years in prison on each charge, which was to run concurrently. Although he was released from jail on July 27, a day after he was sentenced, Alamiyeseigha is the first former political office-holder of that calibre to serve a prison term for looting state funds and other corrupt practices perpetrated while in office within the period under review.

However, Nigerians felt a chill in the bones, when in August 2007, Michael Aondoakaa, the new AGF and Minister of Justice unloaded a barrel of sour grapes on the anti-graft war over EFCC's "guerrilla tactics." He challenged the constitutional validity of the independent prosecutorial powers granted to the EFCC and ICPC. It is pointless repeating some of Aondoakaa's words about EFCC, but it was clear that the federal government held the commission in utter contempt. In Aondoakaa's view, EFCC was adopting tactics unknown to the rule of law in a manner that threatened the fundamental foundations of democratic principles. He averred that the inclusion of such prosecutorial powers in their establishment acts was unconstitutional, and as a result, all prosecutions by the anti-corruption bodies would need to be authorized by his office. Aondoakaa's challenge threatened the resilience of the campaign and set off the struggle for EFCC's survival and significance in the new government.

Through Aondoakaa, the Yar'Adua administration began to display an open contempt of the anti-corruption project. His actions were apparently obstructing the EFCC's effort to prosecute some former state governors, as well as creating obstacles for the prosecution of James Ibori, former Delta State Governor by the UK Metropolitan Police. This singular act intensified local and international concerns that Nigeria's anti-corruption project was acutely programmed to fail and exposed President Yar'Adua's needless partisanship. The EFCC wanted to prove its critics wrong and hold its ground at this crucial moment. In December 2007, after finishing his two-term as a governor and lost his immunity from prosecution as prescribed by the constitution, Ibori who found another cover by aligning himself with the newly elected President Yar'Adua, whose campaign he allegedly bankrolled, was arrested by the EFCC. Ibori was facing similar allegations in UK courts. Assets worth \$35m in the UK allegedly owned

by him had been frozen by a UK court (Last, 2007). The attempt by the EFCC to prosecute Ibori in 2007, while Yar'Adua was president, was unsuccessful.

Soon after Ibori's arrest, a quick succession of bizarre events led to the forceful removal, demotion and dismissal of Ribadu from the EFCC and the Nigerian Police Force. He was succeeded by Mrs Farida Waziri. Waziri was sworn in on June 6, 2008. A retired Assistant Inspector General of Police and Commissioner of the Police Special Fraud Unit, she was armed with the appropriate qualifications and is said to have trained Ribadu (BBC, 2008). Waziri swore to employ the full powers of her office to combat corruption. But, according to Human Rights Watch (2011:57), the EFCC suffered serious reputation damage by widespread allegations of corruption and incompetence levelled against Waziri. She was criticised for being an ally of some of the powerful politically-exposed persons. In her first three months in office, the EFCC investigated and filed some new cases against some former governors and ministers - Michael Botmang (Plateau State), Boni Haruna, (Adamawa State), Ladoja (Oyo State), and Segun Agagu (Ondo State) (Daily Trust, 2007). However, they were released on bail. Their bails heightened public suspicion that Nigerians were usually treated to a drama of arrest, allegations and a carefully choreographed political charade in the guise of arraignment that were closely followed by the granting of bail.

Shortly after Ribadu was removed from office and replaced with Waziri, Ibori's corruption case was transferred to a federal high court sitting in Asaba, Delta State capital, and a new judge, Marcel Awokulehin was appointed to handle the case. On December 17 2009, Ibori was discharged and acquitted of all 179 charges of corruption brought against him by the EFCC. The trial judge, Awokulehin, threw out all the charges against the former governor for lack of merit. Within the same period, the AGF announced that government was contemplating merging the EFCC, ICPC, and the CCB because of their overlapping functions (Daily Trust, 2007). A week later, Mike Okiro, the Inspector General of Police (IGP) ordered Ribadu to proceed to the Nigeria Institute of Policy and Strategic Studies (NIPSS), Kuru, for a one-year training course (BBC, 2007).

In August 2008, when Ribadu was demoted two ranks from Assistant Inspector General of Police to Deputy Commissioner of Police, he came

to the inescapable conclusion that his time was up at the EFCC and the Police Force. The basis for his demotion, police authorities argued, was that the rapid promotion he received under Obasanjo while he worked at the EFCC fell short of police procedures. On November 22, he was forcefully removed from the NIPSS graduation ceremony by state security agents on completion of his course at the institute. He fled Nigeria on exile following violent stalking by armed men whom he said attempted to assassinate him (Ribadu, 2009). Ribadu's memories of a tough and revered "*anti-corruption czar*" before the Yar'Adua presidency and an outcast after Obasanjo's presidency suddenly seemed distant. Going after Ibori under Obasanjo was an achievement for Ribadu. Not so under Yar'Adua. Ibori's arrest eroded Ribadu's aura of invincibility, tore down a resilient '*anti-corruption czar*' persona and made him vulnerable and disoriented. The post-Obasanjo presidency was not persuaded by Ribadu's fascination with striving to rid Nigeria of corruption at the expense of political survival. With the Ibori debacle, President Yar'Adua demonstrated a remarkable lack of ability in his government's anti-corruption advocacy, despite having realigned his policy strategy in line with citizen demands. It sent out the wrong signal and placed uncertainty over Nigeria's anti-graft war fortunes.

From abroad, Ribadu began to take pot-shots at Nigeria's anti-corruption project, accusing it of bias. The campaign in Nigeria, he said, was to use all the right rhetoric (speaking of the need for the rule of law and the fight against corruption) to cover up their real campaign to completely undo the reform efforts of the previous government. Corruption, in his words, made democracy impossible because it subverted the will of the people (Ribadu, 2009). It is most interesting that Ribadu, who triumphantly went after President Obasanjo's political enemies, later developed a strong commitment to genuine anti-corruption efforts. His moral and professional credentials were criticised. His critics interpreted his latter-day moralising mostly as one of those contradictions in his politics since his quest for political relevance after President Yar'Adua humiliated him out of office in 2008. He returned from self-imposed exile after the death of Yar'Adua, but was a life lesson for someone renowned for single-mindedness. Even before the events that culminated in his forceful exit and exile, Ribadu was aware that as chair of the EFCC, he was wrestling with shadowy forces – ethereal spirits that made their

best efforts invisible. When you fight corruption, corruption fights back, Ribadu said.

By Ribadu's sensational removal, the hypocrisy of Nigeria's anti-graft project was obvious and Yar'Adua's naivety made more manifest. His removal from the commission paved the way for the systematic removal of the commission's investigating personnel who were trained by the UK Metropolitan Police and FBI. Ibori was a senior figure in the ruling party (PDP). In the prelude to the 2007 presidential election, he became one of the most visible and influential ex-governors championing Yar'Adua's presidential ambitions. He allegedly contributed significantly to the presidential election victory of late President Yar'Adua.

During the Obasanjo presidency, Ibori presided as governor of Delta State. His gubernatorial tenure was marked by what some critics regarded as an era of unspeakable corruption and financial impropriety. But on a balance of fair assessment, it may not have been entirely so. His admirers give him credit for rebuilding schools in the state. His loyalists have ever remained fanatical about their "leader", even in the face of the odious testimonial (Thisday, 2012). During the tenure of late President Yar'Adua, Ibori was a close ally and a member of the President's powerful inner circle. Ibori, Bukola Saraki (former governor of Kwara State) and Isa Yuguda (former governor of Bauchi State) were the powerful troika that held court in the presidential Villa.

Manoeuvrings and stratagems came to define what appeared to be some noteworthy machinations in the anti-corruption campaign of Yaradua's presidency. The forceful removal of Ribadu from the EFCC proved to be one of the most momentous events of Yaradua's presidency. It was expected, but what government's confirmation of the end of Ribadu's tenure achieved was to very clearly draw a line in the sand under Obasanjo's reign. Many understood Ribadu's puzzling exit, followed by those of other trained investigators, as a manifestation of the end of Obasanjo's era and the final signal of concerted efforts of highly exposed political individuals to extinguish the anti-corruption momentum.

Ibrahim Lamorde, Ribadu's deputy became the interim head, but with Ribadu's ouster and no chance of confirming Lamorde as chairman, the path to Yar'Adua's succession became clear. That the future under Yar'Adua would not feature Ribadu was of no little significance. As the

pioneer chairman of EFCC, Ribadu was an integral part of Nigeria's anti-corruption campaign's meagre success, having nurtured the commission from the start. He was popular as a fearless anti-corruption chief. That Yar' Adua was in favour of a total clear-out was entirely understandable, on several levels, but by ridding himself of Ribadu and the others, he was forgoing any kind of continuity behind the scenes. If there is anything that tells a compelling story about the compromised nature of President Yar' Adua's anti-corruption efforts, it is the developments that surrounded the Ibori saga. Yar' Adua wanted to entrench himself and so would not upset his applecart by isolating Ibori, his benefactor during the elections. He was a naïve, bumbling president who ran an anti-graft project with compromised moral rectitude.

THE ANTI-CORRUPTION PROJECT UNDER PRESIDENT GOODLUCK JONATHAN

Due to serious ill-health, President Yar' Adua left for medical vacation to Saudi Arabia on November 23, 2009. He was there for over ninety days and his long absence left a vacuum in the Office of the President. In a resolution unanimously passed by Nigeria's federal bi-cameral legislature, the "*doctrine of necessity*" was invoked and the then Vice President Goodluck Jonathan was declared the country's Acting President on February 9 2010. In his first presidential communication immediately thereafter, Acting President Jonathan promised many things, including the prosecution of the country's anti-graft war with renewed strength:

Fellow Nigerians, one of the cardinal commitments of this administration is our commitment to good governance, accountability and transparency. We shall continue to pursue these policy objectives with all the seriousness they deserve. In particular, the war against corruption will be prosecuted more robustly. We will, therefore, strengthen the capacity of the anti-corruption agencies and give them a free hand to prosecute the anti-corruption war (Jonathan, 2010).

Critical segments of the political discourse and public commentariat considered Jonathan's anti-corruption declaration hypocritical and political.

An act becomes hypocritical and political not just by virtue of what it constitutes, but also because of who does it and why. Here is why. When Jonathan was the governor of Bayelsa State, his wife, Patience was implicated by the EFCC in the theft and attempted laundering of \$13.5m (Oluhense, 2007). It was left to be seen how the acting president would prosecute a more robust anti-graft war when the money-laundering charge against his wife had remained with the EFCC since he was sworn in as vice president in May 2007.

Following Yar'Adua's death on May 5 2010, Acting President Jonathan was sworn in as president on May 6 2010, becoming Nigeria's 14th head of state and commander-in-chief of the armed forces. After he became president; the EFCC declared Ibori wanted on fresh corruption and money laundering charges. It is important to note that Ribadu's politically motivated removal from EFCC did not settle Ibori's case; it merely silenced an argument which Jonathan's coming brought to the front burner of national conversation. Ibori sneaked out of the country but was arrested in Dubai on May 12 2010 with the help of the international police agency (Interpol). In Dubai, a court ruled that Ibori be extradited to the United Kingdom to face charges of money laundering, credit card fraud and official theft. In April 2011, he was extradited from Dubai to the United Kingdom to face the charges after he lost an appeal against his extradition (BBC, 2011). On Tuesday, April 17 2012, Ibori was sentenced to serve 13 years in jail by London Southwark Crown Court for corrupt riches he acquired at the expense of some of the poorest people in the world (BBC, 2012).

Jonathan ran for office after finishing Yar'Adua's term and was declared winner of the general election in 2011. A charismatic man with a ready, infectious smile, Jonathan seemed the perfect corrective to Yar'Adua's colourless, uninspiring and lethargic mien. Before long, however, Nigerians realised that real leadership, one that could clean up the country, demanded much more than personal charisma. He straddled left and right – courting former President Obasanjo while pledging a corrupt-free Nigeria– and proposed radical changes while appearing level-headed and good-humoured. On inauguration, Jonathan did not only cite anti-corruption and political reforms as core policies of his administration, but also said something especially significant in 2011. He said that the

bane of corruption would be met by the overwhelming force of Nigerian citizens' collective determination, to rid the nation of the scourge of corruption. The fight against corruption, he concluded, was a war in which all Nigerians must enlist, so that the country's limited resources would be used for the growth of the nation's commonwealth (Jonathan, 2011).

It may well be the case that Jonathan's new anti-graft war, the centrepiece of his *reformation agenda* in which all Nigerians were enjoined to enlist, was both inevitable and the perfect panacea for the country's deteriorating condition. No country can achieve marked socio-economic, cultural and educational development when governance is defined by contract inflation and conspicuous consumption by itchy-palm senior establishment officials (inappropriately called "stakeholders"). Jonathan did not say that in his inaugural speech in 2010, but it is implied in his call to advance good governance, accountability and transparency. Yet, as at 2015, the problem was not simply that Nigeria's greatest beneficiaries from corruption are the high-profile establishment officials, it is that Nigeria is hurtling in reverse gear, overwhelmed by the most insensate, mindless and relentless treasury-looting officialdom since the return to democracy in 1999. It is also not so much making pronouncements that is the problem. More worrisome is what it says about the state of Nigeria's anti-graft credentials.

In keeping with his declaration during inauguration, Jonathan made early moves to prove that he would fight corruption. Apart from high-profile prosecutions in the banking industry which unseated the likes of Cecilia Ibru, managing director, Oceanic Bank; Erastus Akingbola, CEO, Intercontinental Bank, and others for their corrupt roles in the near-collapse of their banks, there were landmark legal battles involving other Nigerian "*big men*". Olabode George, the former vice-chairman (South West) of the ruling party (PDP), was prosecuted and eventually imprisoned for his role in the mismanagement of Nigerian Ports Authority's finances while he was its chairman. However, on 13 December 2013, the Supreme Court discharged and acquitted him on the grounds that the offence which he was accused (contract splitting) was unknown to any Nigerian law at the time he was tried and convicted by a Lagos court. Former speaker and his deputy of the 6th Session of Nigeria's House of Representatives, Dimeji Bankole and Bayero Nafada were also charged

to court by EFCC over alleged mismanagement of the House's finances during their time. On 14 February 2014, An Abuja High Court discharged and acquitted them for lack of evidence. Also, Emmanuel Iheanacho, a former minister for interior was summarily dismissed for alleged official corruption. With the above moves and, indeed, many more, including the prosecution of the indicted fuel subsidy companies and suspects, following the report of a Presidential Committee on Verification and Reconciliation of Fuel Subsidy Payments, it appeared that Jonathan was committed to the war against corruption.

As part of Jonathan's determination to revitalise the fight against corruption, he on November 23, 2011 relieved Farida Waziri of the headship of the EFCC and replaced her with Ibrahim Lamorde. Lamorde had served under Nuhu Ribadu, served as the Acting Chairman of the EFCC before Waziri's appointment as the chairman and remained the commission's Director of Operations under Waziri. Waziri's alleged poor handling of the Ibori case and the failure of the EFCC to successfully upturn Ibori's acquittal by the Asaba High Court are also among the reasons for her removal. The commission's record in fighting high-level corruption was considered dismal under Waziri. Her handling of Kenny Martins case and the manner in which the case was disposed of upset some establishment officials. Her relationship with a certain Victor Uwajeh and many politically exposed persons cast doubt on her integrity as an unbiased anti-corruption chief.

In May 2011, Jonathan signed the Freedom of Information Act (FoIA) into law. Indeed, the signing of the FoIA which had been kept in the closet by successive administrations since 1999 represented a positive development in Nigeria's anti-corruption project. However, like his predecessors, later political events showed that Jonathan's anti-corruption campaign was ethically handicapped and deficient in integrity and moral capital. To try out the FoIA and the president's candour, the African Centre for Media & Information Literacy (AFRICMIL) on July 28 2011 (about two months after Jonathan signed the FoIA into law), sent a FoI request to the CCB requesting "to be allowed to inspect and obtain copies of the 2007 asset declaration of President Jonathan; his asset declaration after the end of his tenure on May 28 2011; and his asset declaration after he assumed office on May 29 2011 (Sahara reporters, 2011). According

to section 2 of the Freedom of Information Act 2011, notwithstanding anything contained in any other Act, Law or Regulation, the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution howsoever described, is hereby established.

AFRICMIL made the request to the CCB to be allowed to inspect and obtain copies of President Jonathan's asset declaration in pursuance of the above section. The CCB refused to allow AFRICMIL access to the president's asset declaration form. On October 21 2011, AFRICMIL filed a case at an Abuja High Court in suit No FHC/ABJ/CS/877/2011. Yet, the CCB refused to act on the request. When Jonathan was confronted with the issue in an interview, he responded with the popular "*I-don't-give-a-damn*" riposte that later became a catchphrase in Nigeria. For Nigeria's anti-graft war to mean anything, adherence to what (Bowman 1991) referred to as 'ethical standards' in decision making must drive government's anti-corruption policy.

On September 15 2005, London Metropolitan Police had arrested Dipereye Alamieyeseigha, former governor of Bayelsa State, under whom President Jonathan served as deputy governor, for money laundering. He escaped from custody and returned to Nigeria on Monday 21 November, 2005. He lost his immunity after he was impeached by the Bayelsa State House of Assembly. He was promptly arrested, prosecuted and sentenced to two years in prison on each count. But, on March 12 2013 Jonathan granted him state pardon. The state pardon granted to a man who was convicted by the court of mind-boggling corruption represented a negation of President Jonathan's acclaimed commitment to Nigeria's anti-graft project. Transparency International asked Jonathan to rescind the pardon granted to Alamieyeseigha, who was convicted for money laundering and other serious corruption offences in 2007. The state pardon] it argued, undermined anti-corruption efforts in Nigeria and encouraged impunity, adding that if the government was serious about uprooting public corruption, sanctions against those who betrayed the public trust should be strengthened, not relaxed (Transparency International, 2013a). Alamieyeseigha's pardon, a former governor whose involvement in pervasive corruption is well documented speaks to the bankruptcy of Jonathan's anti-corruption posture. Thus, Jonathan squandered much political capital and tarnished

his regime's anti-corruption credentials.

In its 2013 Global Corruption Barometer report tagged: "Global Corruption Barometer 2013", TI ranked Nigeria as the eighth most corrupt out of the 107 countries surveyed. In 2012, Nigeria had just the 37th largest GDP in the world, despite having the world's seventh largest population (Transparency International, 2013b). In principle, Jonathan made anti-corruption advocacy his government's top priority but could not communicate that commitment in practice. His anti-corruption mantra could not permeate all levels of governance in line with the Fundamental Objectives and Directive Principles of Government clearly set out in Chapter Two of the 1999 Constitution. In an Interview with CNN's Christiane Amanpour in January 2013, President Jonathan used his electoral reform policies to attest to his anti-corruption efforts. Let us recall that as at 1999, the FATF had blacklisted Nigeria, but the body found cause to lift its embargo on the country as a destination for investment capital having seen what EFCC did in the early years of Obasanjo's first term in office. But in February 2012, FATF blacklisted Nigeria again as a high-risk and non-cooperative jurisdiction. By virtue of this categorisation, Nigeria was seen as not committed to an action plan to tackle money laundering and other international financial crimes (Thisday, 2013). In July 2013, the federal government constituted a cabinet committee, headed by Vice-President Namadi Sambo, to accelerate the removal of Nigeria from the countries blacklisted by the FATF.

FAILURES OF NIGERIA'S ANTI-CORRUPTION COMMISSIONS

There is this assumption that politicians have sacrificed their time and resources to get into public positions because of their patriotism. This may be true elsewhere but not in Nigeria. Most of those who hold public positions in our society today are where they are because of the alluring prospects of power, fame and fortune (Akinola, 2013:151).

Akinola's observation above sets the tone for our discussion in this section and reflects two things: One, in a Nigeria of impunity, a Tafa Balogun who stole millions of public funds budgeted for the officers and personnel of the Nigeria Police Force can rationalise his actions in the

same way that Nigeria's political class rig themselves to power "*because of the alluring prospects of power, fame and fortune*". Two, the political class are out of touch with the primary responsibilities of public office. Betraying public confidence is impunity and a metaphor of the political leadership's disdain for accountability, transparency and decorum.

Nigeria has experimented with a significant reorientation towards preventative measures that surpassed the limitations of conventional law enforcement in an increasingly expanded public sector since 1999. No doubt, government's anti-graft war has had some impacts. And there are good grounds for which that argument could be sustained. Its activities in the area of economic crimes helped to effectively check the intensity with which public funds were stolen. It further drove financial scammers, the notorious confidence- tricksters underground. As at 1999, the FATF had blacklisted Nigeria, but the body found cause to lift its embargo on the country as a destination for investment capital having seen how EFCC was fighting financial and economic crimes. In October 2005, the EFCC scored its first break when Tafa Balogun, former Inspector-General of Police, was sentenced to a six-month jail term for corruption (BBC, 2005). Former Senate President, Adolphus Wabara, former Minister of Education, Professor Fabian Osuji, and Housing Minister, Mobolaji Osomo, were all indicted for corruption (*Thisday*, 2005).

However, this early gains were depleted with revelations of what Alatas (1968: 2) would describe as stealing through deception in a situation which betrays trust. It is believed that in 2006, between President Obasanjo and Vice-President Atiku Abubakar, vast funds under the control of the Petroleum Development Trust Fund (PTDF) was largely misappropriated for reasons other than legitimate purposes. Atiku used PTDF's funds to advance his personal interests in such firms as Netlink Television and Globacom and also diverted some into local banks. Public funds running into hundreds of millions were paid to a construction company owned by Obasanjo (*Thisday*, 2006). Both men were linked to the ownership of private universities. These revelations are a significant and useful base-lines for gauging Nigeria's investment in the false 'war against corruption' continuum.

The war against corruption is considered a failure as graft-fighting commissions have shown that they lack the integrity to challenge the

rotten-to-the-core Nigerian society. For it to achieve intended results, the Nigerian parliament will have to enact new laws with stiffer penalties for corrupt acts - potent laws that can confront corrupt tendencies. A great deal of crime, including corruption, is committed on a cost-benefit basis. The perpetrator often does a risk assessment regarding his or her chances of success, failure and punishment. If he or she estimates the punishment to be mild, the crime becomes attractive.

This author subscribes to the principle that actions have consequences and for every crime committed there must be punishment in proportion to its severity. Deterrence is a big factor in the fight against corruption, if a potential perpetrator understands the severe punishment as the probable outcome of corruption when caught, he/she would be more reluctant to embezzle public funds. Commensurate jail terms and forfeiture of properties obtained with stolen money and supported by the human sense of fairness; reminds everyone that there are consequences for all actions; and as humans, we are responsible for our actions. Such severe punishments for unearned resources and proceeds of crime are fitting responses to the horrendous white-collar crime of public funds looting.

Unless the existing laws which have become too ancient and inefficient are revoked, the country's anti-corruption efforts will remain handicapped. These archaic laws are no longer suitable for Nigeria's current unpleasant situation. There are inherent loopholes in them that readily provide sufficient escape routes for indicted individuals to walk away free. These laws do not appear to encourage or recommend restraint on corrupt tendencies like contract inflation and the supply of substandard public goods and services. The laws need to be repealed or amended in deference to public opinion and the ill-feelings generated across the country by overdramatized high-profile corruption cases and the acquittal of indicted individuals, even though many including jurors in corruption cases, agree that the majority of individuals acquitted are far from innocent. Former Delta State governor, James Ibori, was discharged and acquitted of all 179 charges of corruption by an Asaba high court. Trial judge, Marcel Awokulehin, justified that with the lack of proof of evidence. But a UK court convicted and jailed the same Ibori for corruption. The archaic Evidence Laws in Nigeria have been a bad body of laws and very controversial. The Criminal Procedure Act/Code and the Evidence Act are

antiquated legislations that have lost touch with reality. They either have to be repealed or be substantially modified to reflect common sense and sufficient restraint to prevent future outrage and the miscarriage of justice that a rigid interpretation of it as implied in Judge Marcel Awokulehin's acquittal of Ibori. On June 30, 2008 Fani-Kayode, a former Minister of Aviation, was arrested by the EFCC. He was indicted by a Senate probe into the 19.5 billion naira (about \$166 million) released by the government to rescue the aviation industry that recorded numerous air tragedies between 2005 and 2006. During his trial, the EFCC sought to tender electronically generated bank statements, but relying on the Evidence Act, the defence objected. It was the Appeal Court that resolved the issue. By the time most of these colonial legislations were enacted, internet fraud, online banking, and computer manipulation with the intent to defraud were not envisaged. In criminal cases, smart lawyers manipulate the Evidence Act. It was not until June 3, 2011 that Section 84 (1) (2) of the Evidence Act was amended to admit computer and electronic generated evidence in court.

So far, current anti-corruption commissions have failed to solve Nigeria's corruption problem. There is executive influence, as the EFCC is expected to consult with the Presidency extensively for approval before moving against any high-profile suspect. That EFCC has recorded only three high-profile convictions, Tafa Balogun (former IGP), DSP Alamieyeseigha (former Bayelsa governor), and Bode George (former vice-chairman of PDP, South West), in a country mired in high-profile corruption like Nigeria, only highlights the hypocritical dimension of government's advertised zero-tolerance policy on corruption. Despite their best efforts, the perception of the public has been that both commissions are overwhelmed by the politics of the project - the ICPC is seen as a 'total waste of space' while the EFCC has transformed into a timid presidential task force tamed to fight incumbent presidents' political wars.

For the commissions, three main reasons have been adduced for their apparent failures to deliver on their mandates. The first point that comes to mind is the lack of adequate funding and good work environments. While acknowledging that the anti-graft bodies have professional investigating officers (IPOs), the right attitude and good work environment are absolutely missing in the discharge of such an important and fundamental

function. There is the need to adopt a reform that would separate the jobs of police officers (seconded to the commissions) and lawyers and perhaps allow the latter to do more of theoretical and analytical jobs to aid the broadening of the frontiers of the commissions' prosecutorial capabilities. No doubt, an attorney involved in investigating a criminal case will be more justice-conscious than the rent-seeking police personnel that is acutely under-paid, grossly ill-trained and even willing to tip off individuals under investigation for a fee. The Asaba High Court, for instance, cannot be entirely blamed for exonerating Ibori for lack of evidence in the view of Justice Marcel Awokulehin who presided over the case. Whatever evidence exists outside the court in a matter under adjudication must surely be proved before it; otherwise, the case will be thrown out for lack of merit. In corruption cases in Nigeria, indefinite adjournments, discharge and acquittal of very high-profile offenders will forever continue to generate intense debate and question the faithfulness of government's anti-corruption project.

Secondly, there is the lack of political will. While marking the fourth anniversary of the establishment of ICPC, the then chairman, retired Justice Akanbi, addressed a press conference on June 16 2004 to review his commission's performance. He declared that government's refusal to vote enough funds for the commission's work was a demonstration of inadequate political will on its part (government) to make the commission achieve its mission. For him, it was only hypocritical for a government to establish the commission, appoint competent hands to run its affairs, and yet frustrated it in the performance of its duties (Ige, 2004: 2). Thirdly, the judicial process is slow and corrupt. The ICPC, for example, was established with a very defective jurisdictional authority. Akanbi acknowledged the problem:

You are aware of what happened after we received complaints of corrupt practices against some state governors. According to the law that establishes (sic) this commission, we forwarded request to the Chief Justice of Nigeria (CJN) to convoke a committee to investigate them... Bayelsa State governor, for instance, went to court ... The suit was filed ...the legality of the ICPC Act was even challenged (Ige, 2004: 2).

Reference is made here to the limited operational scope which the statute establishing the anti-corruption body accorded it. Apart from the inadequate jurisdictional authority granted the commission through legislation, government crippled the commission's performance by leaving it as prey to the Nigerian judicial process that is both slow and corrupt.

CONCLUSION

It is important to note that, irrespective of the flaws one would claim existed (and still exist) in Nigeria's anti-graft project, there are some positives. For Holmes (1993), the reasons behind the adoption of an anti-corruption campaign will most likely continue to be a question of intense political debate. In the case of Nigeria, as we have shown in this chapter, a combination of national and international factors acted in concert to make anti-corruption advocacy an important policy of the federal government.

Nigerian administrations within the period under review did much to create the impression that their anti-graft advocacies were genuine. Granted, Nigeria's international image improved, but, at home, the convictions of Alamieyeseigha and Bode George were the only high-profile corruption cases that have resulted in prison terms. It is possible that the two men, Alamieyeseigha and George, who were at some point untouchables, ended up in jail largely because of certain changes on the nation's political scene.

Nigeria's appalling record of fighting corruption became even more manifest since 1999. In fact, the post-military civilian administrations, not known for much courage of conviction, managed to make the inherently flawed anti-corruption advocacies of the military regimes look like Nigeria's golden age of anti-graft war. During the military era, Nigerians distrusted government's commitment to fighting corruption and questioned the credibility of their anti-corruption "*probe panels*," but under succeeding democratic governments, it became unquestionably evident that corruption "*investigations*," arrests and even prosecutions were mere window dressing and tools for the subjugation of vocal opposition and show of political power. To evaluate Nigeria's post-military administrations critically is not to suggest, however, that military regimes before

them were stellar. Indeed, the corruption problem in Nigeria has festered for long. It is a psychological reality in the country. So, it will take deep structural diagnosis to deal with it.

Nigeria has been burdened with a venal leadership class. But post-military administrations have found ways to deepen Nigeria's condition, as their anti-corruption policies and governance style have helped to amplify and entrench some of the corrupt practices bequeathed to them by the undemocratic and acutely corrupt military regimes. If Nigeria truly wants to "*wage an all-out war*" against the "*scourge*" of corruption, anti-corruption commissions do not need to clear with the president before serious allegations or suspicions of corruption are investigated and prosecuted. The attitudes of anti-corruption commissions to those who are close to incumbent presidents heighten the perception that rather than prosecute an unbiased war against corruption, they pander to the dictates of the government in power. EFCC's handling of Ibori's case is a case in point.

Section 3(8) of ICPC Act ties the president's power to remove the chairman and members of the commission to the support of 2/3 majority of the Senate. Another Section, 3(12) provided that the commission should not be subjected to the direction or control of any other person or authority in the discharge of its functions. It is possible that if EFCC's Act is amended to include similar provisions, maybe one day, an assertive chair will take full advantage of his/her office to prosecute offenders without the fear of job security. Section 3(2) of the EFCC Act provided the president with an enormous power to use the commission as he deems fit: a member of the commission may at any time be removed by the president for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct or if the president is satisfied that it is not in the interest of the commission or the interest of the public that the member should continue in office. With this overwhelming power to hire and fire, the president could manipulate the EFCC chair to do his bidding.

POLITICS OF PRIVATISATION OF NATIONAL ASSETS

H. A. O. Idowu & T. O. Asaolu

INTRODUCTION

Privatisation is conceptualized by a layman as the process whereby the management of public-owned utilities and infrastructure is transferred from government control to private entrepreneurs, whether wholesale, through outright sale of public assets or partially through voucher distribution or “employee and/or management buyout” (Filipovic, 2005). Privatisation, within the confines of academic and intellectual discourse became a topical issue following the slide in the fortune of public enterprises and industries especially in the late 1980s and early 1990s. Although Antal-Mokos (1998) argued that the major reason was to create an enabling environment for better governance structure, the resultant sweeping fashion for privatisation attracted considerable research attention. Indeed, Hodge (2006), while undertaking its chronology in Britain argued that the privatisation programme was partially planned and partly opportunistic. The technique of privatizing state-owned enterprises, he posited, arose through a combination of economic principles namely property rights and public choice, coupled with immediate budgetary needs and ideology. It subsequently assumed a global phenomenon through mass privatisation programmes championed by the International Monetary Fund (IMF) with the global financier’s resolve to reshape its structural adjustment loans to become increasingly conditional on economic reforms, particularly privatisation. Megginson and Netter (2001) posited that market factors could more efficiently deliver many goods and services than government

due to free market competition. Nellis and Kikeri (2002) in a World Bank report argued that privatisation tended to lead to lower prices, improved quality, more choices, less corruption, less red tape and/or quicker delivery. This position is best exemplified by the transformation witnessed in the Nigerian telecommunication industry prior to the introduction of global system of mobile communication (GSM). The hitherto moribund and less efficient Nigeria Telecommunication Limited (NITEL), arising from competition, had to give way to vibrant and better managed telecommunication outfits. The proponents of this school of thought were of the considered opinion that every facet of the utilities should not be privatized while the arch-capitalists, discounting for market failures and natural monopolies expressed the view that every function of the state including defence and dispute resolution should be roundly privatized. (Birdsall and Nellis, 2003).

This chapter is organized into four main sections. The first section will concentrate on the theoretical framework for privatisation, including methods of privatisation, buttressed with typical and peculiar instances around the world. The next section will undertake an in-depth analysis of empirical studies in favour of and against privatisation. The third section will review the institutional framework for privatisation in Nigeria with particular reference to the socio-political implications. The last section will attempt to draw useful conclusions with regard to privatisation as a vehicle for economic growth and the extent to which the policy had impacted on the Nigeria economy.

THEORETICAL FRAMEWORK FOR PRIVATISATION.

The concept of state ownership of enterprises had assumed a perennial political dimension either in the developed or developing economies. A paradigms shift from state ownership to what was recently conceptualized as public private partnerships (PPP) had become commonplace and a veritable tool for government to attempt to improve infrastructure and public utilities. Essentially, Long (2006) posited that there was an increasing trend that the responsibility for design, construction, operation and maintenance of these utilities, was being transferred to the private sector based on the argument that the private sector provide these services more

efficiently than the government could. The earliest trace of government conscious efforts to transfer ownership of assets to private entrepreneurs manifested in the former socialist countries where several nationalized industries were privatized as socialist leaning countries moved towards a more market-oriented economy. Prior to this transition, Savas (1992) argued that State-owned Enterprises (SOEs) and government activities often existed because they were granted monopoly status, and competition by private sector was prohibited. The transition however provided government the choice to opt for either a decentralized approach which allowed initiative from enterprises and other interested parties, or a centralized approach where the initiative lies in the hands of state agencies. Government could also adopt a diversified or concentrated approach, or a programme of mass privatisation including free distribution of state assets vis-à-vis denationalisation. (Simoneti, 1993). In China, Mattlin (2007) similarly posited that reforms regarding the relationship between the Chinese Central Government and strategic State-owned Enterprises (SOEs) engendered the re-evaluation of government's ownership policy and the introduction of a centralized operating and budgeting system for strategic State-owned Enterprises (SOEs). Consequently, a more stringent financial control was re-introduced to regulate strategic State-Owned Enterprises (SOEs) in terms of income and expenditure, under the aegis of State-Owned Assets Supervision and Administration Commission (SASAC). One major consideration in relation to the central enterprise in China was whether government would seek to retain them as wholly or majority state-owned indefinitely. In particular, the future global relevance of Chinese companies became a key issue granted the fact that almost all the biggest Chinese companies were initially State-owned. However, the pendulum later swung in favour of greater role for the state as China again resolved to curtail the growing role of private and foreign interests in the economy. The classification and adoption of terms in China appeared unique based on the importance of certain companies and sectors. Such terms as "back-bone enterprise" (gugan qiye), "pillar industry" (zhizhu chanye), "central enterprise" (zhongyang), and "key industry" (zhongdian hangye) had been used interchangeably. Although government was not specific in its classification of which sectors it considered critical or strategic, Mattlin (2007) alluded to the list of 139

Central enterprises as probably the best proxy for which companies the Chinese government was not favourably disposed to relinquishing total control. In a similar vein, privatisation policy in Britain which assumed greater prominence when Margaret Thatcher was Prime Minister in 1979 was borne out of the necessity for complete restructuring of industries in order to provide a greater focus on core business activities. It was also directing at reducing the potential for cross-subsidy and more unimportantly to create competitive market (Schofield, 1997). The disparity between the demands on the public purse and the resources available to meet them led the British Government to look at how infrastructure could be developed, services provided and enterprises modernized in partnership with the private sector. The partnership could take the form of either using private sector finance and skills to develop, construct and operating concessions for the assets (known as Private Finance Initiative or Private Public Partnership); or partial sales of existing enterprises, either to a single strategic investor, or to institutional or retail investors via trade sales or public flotation; or the complete transfer of enterprises to private investors. Schofield (1997) posited that through privatisation policy, United Kingdom-based firms have developed innovative techniques across a range of associated activities including complete restructuring of industries for greater efficiency; devising and establishing regulatory arrangements for industries where a significant monopoly powers was unavoidable to ensure that commercial development did not jeopardize consumers' protection; and creating and developing new sales techniques in the capital markets, innovative pricing and distribution techniques. The privatisation experience in Tanzania was based on two main perspectives namely; the narrow sense and the broader meaning. The former refers to a shift of productive activities from the public sector to the private sector ownership and control while the latter describes a process by which the role of government in an economy was restricted while that of the private sector was deliberately expanded (Waigama, 2008). The World Bank, Young (1991) posited played influential role in the process which led to wide adoption of privatisation policy in Sub-Saharan Africa Countries including Ghana and Nigeria. By the end of 1996, a little over 2700 transactions were reported to have been completed with a combined sales value of almost USD 2.8 billion for the entire sub-region. Among other

factors, Blunt (1992) submitted that the public sector failure in Africa was attributable to ambiguous and sometimes conflicting objectives, political interference, adoption of public rules which are not in tandem with commercial operations, lack of competition, weak staffing, nepotism, under-capitalisation, high debt/equity ratio, inadequate incentives, round-tripping by financial intermediaries and failure by government to pay for services rendered, among others. Consequent on the foregoing, coupled with conflict of political interests and efficiency maximization, Brada, (1996) expressed the view that privatisation in Africa was inevitable. Indeed, White and Bhatia as quoted in Jerome (2008) submitted that by the end of 1996, all but five countries in Africa had divested some public enterprises within the framework of macro-economic reforms and liberalization. The privatisation programme in Nigeria could be regarded as a perfect replica of what obtained in Great Britain. The hitherto growing involvement of government in economic activities was justified as an important component of strategies aimed at fostering rapid economic growth and development. Jerome (2008) argued that the strategy was further propelled by the huge foreign exchange earnings from crude oil, which ultimately encouraged governments at the central and state levels to invest heavily in business activities. The adoption of the Structural Adjustment Programme (SAP) at the behest of the World Bank (WB) and the International Monetary Funds (IMF) signalled a conscious attempt by government towards privatisation. Subsequently, a Committee known as Technical Committee on Privatisation and Commercialisation (TCPC) which was set up to oversee the programme succeeded in privatizing about 55 enterprises by 1988 (Jerome, 2008). The foregoing therefore suggests that a major policy of government in Nigeria, especially following the return to democratic rule in 1999 was its economic reform agenda initiated with the passage of the Public Enterprises (Privatisation and Commercialisation) Act No 28 which aimed at creating new enterprises; market expansion; increased tax revenue, increased employment; efficient management of the enterprises; general entrepreneurial innovation; investment inflows and poverty reduction. Umejesi (2011) posited that the government policy was premised on the belief that the growing demand primary products, particularly from Asia would attract foreign investors and bear positively on its economic reform programme. The normative

assumption for privatisation, Ewelukwa (2009) submitted was that ultimately, it should facilitate economic development through broad enterprise efficiency. Indeed, the quest for economic development was largely responsible for the adoption of the policy for privatisation by many developing African countries in the past 3 decades. This could be traced to the 1960s and 1970s when Organisation of Africa Unity (OAU) and later the New Partnership for African Development (NEPAD) raised a movement known as the “Law and Development Movement” to give statutory powers to agencies responsible for privatisation programmes in their respective countries (Ewelukwa, 2009). The policy framework derived its authority from the declaration on the New Common Initiative (MAP AND OMEGA) ANG Dec 1 (XXXVII) adopted by the 37th Ordinary session of the Assembly of Heads of States of Government of OAU, Lusaka, Zambia, July 9 – 11, 2001.

MODELS OF PRIVATISATION

Drakeford (2000) identified two (2) major types of privatisation models namely the private ownership predicated on Schumpeterian thesis and the market condition model based on competition. The former advocated that the transfer from public to private through widened and deepened ownership would unleash the forces of enterprise innovation and entrepreneurial zeal. It emphasized the fact that private ownership would cover the intended benefits of privatisation, irrespective of the structure of the market (Linnerman and Megbolugbe, 1994). In another vein, market conditions, in contrast to ownership (where competition was regarded as the best way), were accorded greater importance. The model supported the school of thought that a free and competitive market confers the benefit of efficiency and the provision of quality service at lowest economic costs. The price mechanism, it is argued, enhances the efficient allocation of resources by holding supply and demand in balance. Nevertheless, it is instructive to state that these two models are applicable in all types of economies; there are other models peculiar to the socialist economy. Thus, Wikipedia provided four different models of privatisation which include:

- Share Issue Privatisation (SIP) – This involves the selling and buying of share on the stock market.

- Asset-Sales Privatisation (ASP) – Under this scheme, privatisation was effected through the sale of an entire organisation (or part of it) to a strategic investor, usually by auction.
- Voucher Privatisation (VP) – Here, ownership change through the distribution of shares to all citizens, usually for free, or at a very low price, and
- Privatisation from Below (PB) – This is by way of start-ups of new private businesses.

Whilst SIP and ASP were common to all economies, VP and PB were peculiar in socialist countries. The choice of the model was largely influenced by the capital market, political and firm-specific factors. SIP was more likely when capital markets are less developed and there is lower income inequality. Share issue could potentially broaden and deepen domestic capital market, thereby boosting liquidity and enhancing economic growth. If on the other hand, the capital market was insufficiently developed, it might be difficult to find enough buyers, and transaction costs may be higher. Consequently, it was safe for government to elect to enlist in the more developed and liquid market. Due to higher political and currency risks which deter foreign investors, asset sales occurred more in developing countries, while voucher privatisation had mainly occurred in transition economies of central and eastern Europe of Russia, Poland, the Czechoslovakia Republic and Slovakia. Additionally, privatisation from below had been an important type of economic growth in transition economies.

EMPIRICAL STUDIES FOR AND AGAINST PRIVATISATION

This section would be devoted to an analysis of studies conducted on the prospects of privatisation in diverse economies, highlighting its pros and cons. It is instructive to state that while numerous empirical studies had been conducted to measure post-privatisation financial efficiency of affected firms on a global level, only a limited number of studies had attempted to measure the effect of privatisation on economic growth in the developing economies (Filipovic, 2005). This might be attributed to the fact that privatisation was an emerging concept in developing countries. Cook and Uchida (2003) conducted a study of 63 countries between 1988 and 1997 to re-examine the relationship between privatisation and

economic growth with a view to revalidating the claim for an existence of causal relationship between the 2 phenomena. The study, which adopted the framework of an extreme-bounds analysis (EBA) faulted the previous claim but re-affirmed the view that effective competition and its regulation should be pursued in tandem with privatisation to make a positive impact on economic growth. The EBA framework was a form of cross-county growth regression analysis which considered every possible combination of 2 variables and posited that if the sign of the maximum extreme coefficient and the sign of the minimum extreme coefficient was the same; such result was considered robust (Cook, et al. 2003). In another perspective, Antal-Mokos (1998), while carrying out a review of the Hungarian economy submitted that the agency-theory based approach presumes that privatisation engenders effective corporate governance as managers would become better disciplined while performance of the firm would improve leading to collective satisfaction of all stakeholders. However, the study discovered that it takes more fundamental factors to offer a chance for improved post-privatisation performance. The study established the importance of the privatisation process and avers that if the process was based on a one-off worst scenario, the firm would soon become handicapped and inefficient. Generally speaking, the proponents of privatisation had argued that it serves as a vehicle for economic growth through increased efficiency; promotion of specialisation; reduction in bureaucratic bottlenecks; enhanced accountability; creation of conducive environment to raise capital as well as injection of additional working capital; accomplishment of organisational goals; elimination of artificial monopolies and reduction in the potential adversities of natural monopolies; increased generation of revenues for government and spread of ownership of business firms (Megginson and Netter, 2001). In contrast, opponents of certain privatisation expressed the considered view that certain categories of highly essential goods and services such as basic health care, education and security should be exclusively reserved for government as a necessary assurance for widespread provision. Similarly, it was argued that natural monopolies should be shielded since they are not subject to fair market competition and thereby better administered by the state for common good and long-term posterity (Florio, 2004). Hence, privatisation was opposed as it had the tendency to promote profit over social objectives;

encourage corruption and sharp practices by the private entrepreneurs who were less accountable for business transactions; undermine certain strategic and sensitive areas best protected under public control; encourages the concentration of wealth in few private individuals; curtail political influence and ultimately lead to reduction in employment (Dagdeviren, 2006). In his book titled “*Privatisation, Regulation and Deregulation*”, Beesley (1997) posited that scholars should be more concerned with how to reconcile the obviously powerful competitive paradigm (as propounded by the neo-classical framework) with Schumpeter’s persuasive criticism in *capitalism, socialism and democracy* and concluded that privatisation should at best be a learning process for government.

INSTITUTIONAL FRAMEWORK IN NIGERIA VIS-À-VIS SOCIO-POLITICAL IMPLICATIONS

The practice of overwhelming presence of government in economic activities and provision of infrastructure as well as social amenities in developing countries generally was also witnessed in Nigeria from the colonial rule through independence and up till the introduction of indigenization policy in 1974. Jerome (2008) posited that the growing involvement of government in diverse economic activities was viewed as an important strategy to foster rapid economic growth and development. In 1986, government adopted the Structural Adjustment Programme (SAP) as a deliberate policy to launch privatisation as a core element for economic reform. In 1988, Government, vide Decree No. 25 inaugurated the Technical Committee on Privatisation and Commercialisation (TCPC) to serve as the secretariat for the privatisation reform. However, following the enactment of the Public Enterprises Act of 1999, the Bureau of Public Enterprises (BPE) was established to take over the activities of TCPC (Adeyemo and Salami, 2008). The Act took a step further by creating a National Council on Privatisation (NCP) which was to serve as the lead policy making body responsible to superintend the activities of the TCPC. BPE was specifically mandated to (i) implement the Nigerian Policy on Privatisation and Commercialisation, (ii) prepare public enterprises approved for privatisation and commercialization, (iii) ensure the update of accounts of all commercialized enterprises for financial discipline, (iv)

recommend the appointment of consultants, advisers, investment bankers, issuing houses, stockbrokers, solicitors, accountants and other professionals required for the purpose of either privatisation or commercialization and (v) ensure the success of the privatisation and commercialisation exercise through effective post-transactional performance monitoring and evaluation. The supervising NCP was empowered to (i) determine the political, economic and social objectives of privatisation and commercialization, (ii) approve policies, (iii) approve guidelines and criteria for valuation of public enterprises for privatisation and choice of strategic investors, (iv) approve the legal and regulatory framework for the public enterprises slated for privatisation, (v) determine the mode of sale of shares of a listed public enterprise and advise the federal government accordingly, (vi) approve the prices of shares or assets of the public enterprises being offered for sale, (vii) approve the appointment of privatisation advisers and consultants with attendant remuneration, (viii) appoint as and when necessary, committees comprising persons from both the public and private sectors, with requisite technical competence to advise on the privatisation or commercialisation of specific public sector enterprises, (ix) approve both the budgets of the BPE and the NCP, (x) receive and consider for approval audited account of the BPE and review periodic reports from the BPE on programme implementation and give appropriate directions. It was therefore not difficult to infer from the array of functions of the BPE that privatization had become a major policy instrument in Nigeria, which in addition with other instruments, was expected to contribute to the overall attainment of general macro-economic goals (Jerome, 2008). By and large therefore, the central focus of privatisation included restructuring and rationalizing the public sector so as to reduce unproductive investments in the sector; re-orientate privatization enterprise towards a new horizon of performance improvement, viability and overall efficiency; check a wholesome reliance of commercially oriented parastatals on the treasury for funding and encouraging their approach to the Nigerian capital market; initiating the process of gradual cession to the private sector of such public enterprises which by nature were best operated by the private sector and creating an enabling investment climate for both local and foreign investors. There were, of course, other non-economic considerations for adopting privatisation and/or commercialisation policy.

These include socio-political factors. The social perspective stemmed from the point of significant reduction in government spending, a factor Easterly (2001) considered important one since bad government policies and corrupt practices can adversely affect economic growth. The British experience, Jerome (2008) posited, charts a new economic direction which reduces high levels of inflation and unemployment, huge domestic debts, chronic deficit in balance of payment positions as well as the depreciation of her currency. One overriding consideration for privatisation of public enterprises, not excluding strategic industries such as petroleum and petrochemical, fertilizer plants, manufacturing firms, banks, insurance and hotels as well as departmental or statutory bodies such as Universities and Research Institutes was the ultimate desire to improve the mechanism for provision of goods and services. However, much as the goal was desirable, it was being infested with problems which include confused and conflicting missions; political interference in operation decision; misuse of monopoly powers; defective capital structure; bureaucratic red-tape, mismanagement, nepotism and corruption (Dimgba, 1999). As a result, it became imperative that urgent intervention was auspicious to stop parental subsidy for inefficient and loss-recording parastatals, thereby making privatisation more of a necessity than a mere investment decision. In a similar manner, Bakre (2010) argued that corruption had become generic in the Nigerian socio-political system, leading to mismanagement, failure and forceful privatisation of most public owned enterprises. He posits further that the same albatross which, inevitably engendered privatisation in the first instance also characterized privatisation exercise and led to black hole accounting in the privatisation proceeds. Typically, deregulation was expected to reduce prices of goods or services but in Nigeria, the reverse had been the case as exemplified in the case of Power Holding Company of Nigeria (PHCN). Rather than results in cheaper electricity prices, and availability of more choice of suppliers to the households, deregulation in the sector has brought widely volatile wholesale prices and undermined the reliability of the electricity supply (Beder, 2003). Billing per unit has increased persistently from N4.30/Kwh in 1999 to N12.91/Kwh in 2013 under a pricing regime which had recommended a further review in 2014. The Nigeria Labour Congress (NLC), through its President, A. Omar in January, 2011 reiterated the labour

opposition to further privatisation of public establishment (Bakre, 2011). Aside corruptible tendencies, scholars such as Akinrele (2002) and Zayyad, (2007) contended that privatisation was best conceived as a neutral policy from which several countries across the world had benefitted. Therefore, given the right political atmosphere, the prospect of socio-infrastructure development in Nigeria was dependent on the resolve of government to free itself of responsibilities that could competently be handled by private entrepreneurs. Furthermore, Filipovic (2005) argued that privatisation could indeed, have an adverse socio-economic consequence in terms of a secondary effect on a country's fiscal policy. In this wise, Easterly (2001) contend that privatisation was not a viable option for financing new government expenditures and offset future debts. Rather, it enabled countries to pay a portion of their existing debt profile, thus reducing interest rates and raising the level of investment. By reducing the size of public sector, government reduces total expenditure and begins collection of taxes on all the business that are now privatized. This process, Poole (1996) posited could help bring an end to the vicious circle of over-borrowing and continuous increase in national debt. Along with creating incentives, privatisation gives ownership to a larger percentage of the population. As a corollary, it expands opportunity for credit facilities, which Cook, et al (2003) argued were largely constrained due to artificial monopoly by the State. Additionally, privatisation leads to an increase in foreign direct investment which can potentially play a significant factor in the quest for growth. Foreign investment has "positive spillovers of improved technology, better management skills, and access to international production networks" (World Bank, 2002).

From another perspective, Antal-Mokos (1998) identified 2 aspects of politics as discernible in the privatisation process. These are (1) politicization of the context in which the question of future ownership is resolved, and (2) the intensity of organizational politicking. While the sequence of events leading to future ownership could be regarded as privatisation process, the outcome, on the other hand, denotes arrangements and consequences that result from the privatisation process. Antal-Mokoz (1998) singled out two (2) aspects of the privatisation process that are directly related with politics namely macro-level politics and organizational politics. Politicization, for the purpose of this discuss, was adopted to denote

the extent to which circumstances of a political nature, or in the most direct case, decisions made on the basis of political preferences, influence the privatisation process. This can either be high or low politicization. In a case with high politicization, there should be evidence that political preferences have significant effect on the privatisation process, possibly making a turning point in the flow of events. Contrariwise, the low politicization depicts a situation where turning points are caused by genuine economic factors, devoid completely of political preferences. Sometimes, it manifests resistance of decision makers to political influence. While drawing inference from the interrelationships among privatisation process and outcome vis-à-vis low and high politicization. Antal Mokos (1998) concluded that the characteristics of the privatisation process of which politicization and politicking were found to be integral components, bearing effect on properties of strategy - of which conciseness of strategy making and the coping pattern of strategy content - were explicitly considered, and found to be interlinked. Low level of both politicization and politicking therefore seem to facilitate focused strategy-making and recovery, whereas high politicization and politicking produce vague strategy-making and make the firm drift. Consequently, the performances of firms during the process seem to vary between the extremes of sustained stability and decline (which may be cushioned by the benevolence of the firm's environment). Therefore political strategy-making and strategy-outcome are likely determinants of post privatisation turnaround. Consequently, political and economic systems have been undergoing regular transformation while diverse interests among stakeholders have continued to overthrow ideologies. One other factor which may account for the successful outcome or otherwise of the privatisation programme in Nigeria is technological change. For instance, notable technological improvement was recorded in the transformation of the telecommunication sector sequel to the introduction of global system of mobile (GSM) communication. Understandably the marked improvement was consequent upon the attraction of requisite and better funding which the government could not afford, from the private local and foreign investors. Nevertheless, the privatisation of welfare services such as health, water, and sewage and rail transportation were considered too sensitive in political context and thereby accorded the status of public utilities with the benefits of natural monopolies due to their economy of

scale and scope of operational involvement. A typical example, as cited by Ariyo and Jerome (2004) and Odigwe and Fajemirokun (2005) was that critics of privatisation often argue that the provision of safe drinking water is a fundamental human right, and therefore too critical to be totally sold to the private sector. Civil society groups and local communities have thus mobilised and intensified their advocacy against privatisation on the basis that the process is perceived more as favourably disposed to economic efficiency rather than ensuring the rights of the poor masses to safe drinking water.

There is no gainsaying the fact that Nigeria, has, since the early 1970s embarked upon certain policies with some political economic bearings. These include the indigenisation and nationalisation policy (1974), operation feed the nation (OFN, 1976), austerity measure and structural adjustment programme (SAP, 1985) as well as privatisation and commercialisation (1988). Nevertheless, the core contending issue in the privatisation process, according to Maduka (2011) was the allegations that past Nigerian presidents and political appointees at the helm of affairs of TCPC, BPE and NCP manipulated the bidding process at the expense of due process, integrity, transparency, and accountability. Arising from this, most celebrated Nigeria's public enterprises, especially during the 4th Republic of 1999 to 2007, including Ajaokuta Steel Mill; Delta Still Company; Jos Still Rolling Mill; Oshogbo Still Company and Oshogbo Machine Tools; Itakpe Iron Ore Company; NICON Hilton Hotel (Transcorp Hilton Hotel); African Petroleum Limited (AP); National Oil and Petrol Chemical Company; National Fertilizer Company (NAFCON) and Nigeria Telecommunication Company (NITEL) with its mobile phone subsidiary company – MTEL were surreptitiously privatised to cronies, business stooges and families at ridiculously give-away prices. The succeeding regime, due to public outcry against the mannerism which characterised the sale of these enterprises, inevitably had to reverse some of the process notable among which was the re-allocation of the sale of NITEL to Transcorp on the premise that the due process was violated by the BPE. Moreover, the much taunted and publicised expected improvement in service delivery on which the privatisation was initially anchored became a mirage as the process was utilised as avenue for money laundering by unscrupulous officials, backed by their political

godfathers. Likewise, the sale of Kaduna and Port Harcourt refineries at give away price of N92.3b was also cancelled by the Yar'Adua administration as reported by Business Day of December 30, 2010. In the long run, it became evidently clear that the fortunes of most of these public enterprises could be better boosted by competent management team, willing and favourably disposed to living above board (Maduka, 2011). By and large, Starr (1988) argued that in general, political coloration of privatisation is bound to compromise its desirable outcome, including the efficient allocation of resources. Politically inspired privatisation is all the more likely, given the fact that privatisation attracts supports, not only from economists with a favourable disposition to liberalised markets, but also from privatisation lobbyists consisting of investment bankers, government contractors and other corporations whose businesses are better placed to benefit if public sector cedes ground. Therefore, rather than being an avenue to escape the influence of interest groups, and the politicization of resource use, privatisation provides a generally acceptable option. Jerome (2008) thus concludes that one of the principal benefits of privatisation in Nigeria was, unquestionably the reduction of politically motivated resource allocation.

Conclusion with respect to privatisation as a vehicle for economic growth and the extent to which Nigeria has benefitted.

The term privatisation, right from the point of conceptual definition, can be regarded as omnibus subject to diverse uses and classifications by different authorities and analysts. In this contribution, we have restricted its meaning and categorisation narrowly to the sale and legal transfer of the ownership of public enterprises to private entrepreneurs on one hand, or the legal transfer of managerial control of public enterprises and services as distinct from outright ownership (Salacuse, 1999; and Ewelukwa, 2008). Privatisation has become a global policy of varying governments for a combination of objectives. Relieving government of the onerous responsibility to run state-owned firms promises to bring some fiscal relief, especially in a country like Nigeria where the treasury has had to bear the burden of heavy subsidy for largely unprofitable enterprises. Poor performances of public firms, coupled with bloated workforce in the Nigeria case were pointers to the imperative of privatisation. Granted therefore

that privatisation is pursued globally for diverse reasons, it presupposes that the peculiar circumstances of individual country desiring privatisation should be clearly analysed as a necessary prelude to policy pursuit. For instance, in United Kingdom and the Latin America, the idea was to attract funds from private sector and thereby free government from the wholesome burden of subsidies whereas in eastern European countries, the underlining reason was to de-centralise governmental structures (Igbuzor, 2008). For the purpose of emphasis, the reasons adduced in Nigeria include demand for efficiency and effectiveness in public enterprises; need for accountability; generation of employment; resolve to curb external borrowing and strengthen the capital market. As it were therefore, analysts would naturally expect that as former public enterprises became private, they would no longer be effective without being efficient, and consequently develop a pattern of behaviour better suited to the incentives that the new, private owners impose on its management. The post-privatisation pattern of behaviour of a large majority of these firms in Nigeria has however remained an aberration. While NITEL has struggled to survive through its fixed telephone lines, its mobile arm, M-TEL has remained comatose for over 10 years since the introduction of GSM in Nigeria telecommunication industry. The poor performance is not attributable to lack of expertise or ineptitude workforce but certain board room politics which has constituted a perennial drain on the company. In an interview which featured Aare Afe Babalola (SAN) in Nigeria Tribune of July 9, 2013, the legal icon alluded to the politics which characterised the process of deregulation of the petroleum down-stream industry when he stated that a company in which he had interest rejected the allocation of an oil bloc because the offering price was ridiculously small for comfort. The Steel Rolling mills are yet to find their foot back into production process with a view to making whatever negligible contributions to the economic development of the Nigerian nation. The peculiar nature of greed, self-centeredness and corruption reared their ugly heads in the course of the bidding process as Ewekukwa noted that competition for contracts was initially keen and seemed to become more aggressive overtime as bidders gained confidence in the course of time. Indeed, few analysts at the time wondered how the bidding companies were expected to meet the seemingly ridiculously high commitments being made. It simply appears that

in keeping with the overall philosophy of commercial risk transfer, the BPE, on behalf of government was satisfied with merely accepting the bids on their face values and never bothered at the commercial wisdom of the bidders. There is no doubt that privatisation could manifestly be made to work and record outstanding success, but adequate provision should exist for contract management – arrangement in terms of periodic review for specified period of time to ensure sound footing for the new organisational and managerial structure.

LABOUR RELATIONS AND COLLECTIVE BARGAINING IN NIGERIA 1999-2013

O. S. Elegbeleye

PREAMBLE

Labour issues, because of their peculiar nature, predate the 1999 berthing of democratic dispensation in Nigeria. Organized trade union movement in the country, in fact, dates as far back as 1912, when the workers in the civil service under the then colonial administration organized themselves into workers' representatives. This then became known as the Nigeria Civil Service Union, the eye opener that galvanized workers in other sectors to kick-start the agitation for the formation of trade unions before and after independence in 1960 (<http://nupeng.org/id17.html>). At the ascension of General Obasanjo as a newly elected civilian president on May 29, 1999, the Nigerian economy can be described, and justifiably so, as uninspiring, unproductive and development-shy. The military regime that presided over the state of affairs prior to Obasanjo's second coming paid scant attention to any realistic initiatives with fresh promise of lifting an economy whose modus operandi reflected heavily the colonial legacy of mindless exploitation.

Obasanjo, in several speeches, marvelled how in 1979, when he was disengaging as a military head of state, he left 21 aircraft in the fleet of Nigerian Airways, the operator of the then federal government-owned commercial airliners, but on his second coming as a civilian president in 1999, met the same company liquidated on account of poor performance. Ditto for the Nigerian National Shipping Line. Also, the communication

industry, iconized by the Nigeria Telecommunication and Postal Agency, operated less than 20 percent of its installed capacity.

This brief background presages a labour relations spectrum whose future would likely be highly stressed because labour relation is at its best when employers of labour enjoy the economic buoyancy to meet their remunerative obligations towards their employees, and employees are further exposed to training and retraining that would boost their skill profile while on the job.

It is, therefore, pertinent to mention that the military regimes that took over the reins of governance just six years into Nigerian independence in 1966 appeared more concerned with force-fitting the ethnic nationalities together as one nation, while paying little attention to the potential resources that could be harnessed from these diverse groups to build an economically virile country. It is indeed a sad historical fact that as soon as Nigeria started processing large commercial quantities of petroleum in the early 1970s, just immediately after the civil war (1967 – 1970), all its pre-war economic mainstays were ignored, only to concentrate on the revenue from petroleum as a major GDP earner. Agriculture, mining, manufacturing, and the like suffered great depreciation and with them the lot of employees worsened drastically in the ensuing harvest of a comatose labour market.

DEFINITION AND DESCRIPTION

The concept “labour relations” encompasses the mechanisms for regulating the relationship and sundry interactions between employers and employees. Employers in this sense cover the national government where there are national corporations directly overseen by government appointed agents, a corporate group, or individuals with business licenses registered to them. Usually labour relations operate using channels such as collective bargaining, recognition of agreement, workplace disciplinary or grievance procedures. It also functions through the framework of existing legislation, which impacts on the rights and duties of parties and determines the voluntary or compulsory nature of legislation on worker participation and dispute resolution. The interplay of these factors determines the character of labour relations activities. Anyone of the following could be the defining

characteristic of a labour relation: authoritarianism, which is the denial of employees' rights by the employer or the holding to ransom of the employer by a strong workers' union; acrimony, which suggests a disharmonious working state likely to generate disputes that can cause a state of anarchy. This can be warranted by the likelihood of high-handedness of the work environment by an overbearing ruling class that is unfriendly to workers through the propagation of unfair laws, poor remuneration for employees, and non-respect for collective agreement.

Trade and industrial disputes generally originate from interaction within an organised labour market. Government monetary and fiscal policies also play a significant role in developing this framework. Union activities, pension issues and employment conditions usually contribute the balance of the framework. The role that trade unions play in negotiating disputes between employers and their members is also a key feature of this relationship. It is the breakdown in negotiations that produces postures which lead to disputes. Strikes remain the most easily recognizable form of relationship breakdown in labour law. The adverse effects of strikes are commonly known. The loss of productive man-hours; attendant difficulties in meeting demand for services within the period; breakdown in communication, law and order; as well as major threats to economic development are all known features of strikes.

SCENARIOS

It is pertinent at this juncture to demonstrate the anarchical implications of non-respect for collective agreement as espoused by the seeming unending friction between the Federal Government of Nigeria (FGN) (owners of about 70% of the nation's universities) and its employees. To shed more light on this development, a few of the industrial interfaces between the FGN and its workforce would be cited for illustration starting with the Academic Staff Union of Universities (ASUU). ASUU was formed in 1978, a successor to the Nigerian Association of University Teachers established in 1965, covering academic staff in the University of Ibadan, University of Nigeria, Nsukka, Ahmadu Bello University, Zaria, University of Ife and University of Lagos. The umbrella was later enlarged to cover all Nigerian universities both at the federal and state levels,

excluding private universities.

The union was active in struggles against the military regimes of the 1980s. In 1988 the union organized a national strike to obtain fair wages and university autonomy. As a result, the ASUU was proscribed on 7 August 1988 and all its property seized. It was allowed to resume in 1990, but after another strike, it was again banned on 23 August 1992. However, an agreement was reached on 3 September 1992 that met several of the union's demands including the right of workers to collective bargaining. ASUU organized further strikes in 1994 and 1996, protesting against the dismissal of staff by the Sani Abacha military regime. After the return to democracy in 1999 which ushered in the Nigerian Fourth Republic, the union continued to be militant in demanding the rights of university workers against opposition by the government of President Olusegun Obasanjo. In July 2002 Dr. Oladipo Fashina, national president of ASUU, petitioned Justice Mustapha Akanbi of the Independent Corrupt Practices Commission to investigate the authorities of the University of Ilorin for financial mismanagement and corruption.

In 2007, ASUU went on strike for three months. In May 2008, ASUU held two one-week 'warning strikes' to press for a range of demands, including an improved salary scheme and reinstatement of 49 University of Ilorin lecturers who were dismissed in manners devoid of justice by the university management. In June 2009, ASUU ordered its members in federal and state universities nationwide to proceed on an indefinite strike over disagreements with the federal government on an agreement it had reached with the union about two and a half years earlier. After three months of strikes, in October 2009, ASUU and other staff unions signed a memorandum of understanding with the government and called off the industrial action. For a greater part of the second half of 2013, beginning from July, ASUU embarked on another strike. ASUU's claims in regard to the strike centered largely on the arrears of certain earned allowances totaling N92 billion. The ASUU negotiating team met with the federal team led by Governor Suswam of Benue State at least twice, producing no result. It produced no result because, rather than address the main issue of failure to honour agreements freely entered into in September 2009 with the union, the federal government team focused on re-negotiating an already sealed agreement, but the striking university lecturers were not

positively predisposed to that.

The Minister of Finance who also doubled as the Coordinating Minister of the Economy, Dr Ngozi Okonjo-Iweala, stated categorically that there was no way the federal government could come up with the amount of arrears demanded by ASUU, as the economy would be brought to its knees should such an agreement be honoured. The debacle was resolved late in the year, but not before President Goodluck Jonathan had on the Independence Anniversary presidential chat insinuated that ASUU was being used by the opposition party. This is reminiscent of the response of the Secretary to the Federal Government of Nigeria, Ambassador Baba Gana Kingibe, during the regime of President Yar'Adua in 2007, who issued an official statement accusing the labour union leaders of engaging in partisan political activities, pushing and promoting the opposition parties' agenda. . On that occasion, he had warned that government would bring all available labour laws to bear. The labour union leaders had denied the allegation and warned that they would resist all blackmail, intimidation and attempts to force them to give up the struggle against the sustenance of the unfair policies.

Another significant example of the militarization of the democratic process was demonstrated on the eve of President Obasanjo's departure from office in May 2007. Nigeria experienced a national shutdown as a result of spontaneous protests by Nigerians, led by organised labour against the sudden, unexpected and unsolicited "*parting gifts*" from the outgoing president on May 27 2007. These gifts came by way of: a 15% increase in fuel prices (petrol, diesel and kerosene) across the board; 100% increase in value added tax (VAT); sales of the Kaduna and Port Harcourt refineries and Egbin power generation plant; and the cancellation of the implementation of the 15% salary raise for federal workers as previously negotiated by the organised labour. These were the fundamental issues and reasons for the four-day national shutdown that took place from Wednesday, 20 June 2007 to Saturday, 23 June 2007.

Moreover, the National Association of Road Transport Owners (NARTO) and the Independent Petroleum Marketers Association of Nigeria (IPMAN), which are among the main stakeholders in the downstream petroleum sub-sector, had commenced a nationwide strike on Tuesday, 19 June 2007, even before the expiration of the 14-day ultimatum

issued by organised labour. This seriously affected the transport system and industrial activities, as tanker drivers left most petrol stations without supplies. The decision to embark on the national strike, according to NARTO and IPMAN spokespersons, was taken after a joint meeting of both associations to protest against the fuel price hike and non-increase in freight levy for transport owners. However, they both reached an agreement with the government by accepting its offer of 50% reduction in the price of petrol and offer of shares in the two privatized oil refineries located. They called off their strike on Wednesday, 20 June 2007.

Also in January 2012 under another civilian president, Dr. Goodluck Jonathan, the whole nation was locked down by yet another protest over a unilateral increase in the price of petroleum products. The workers' strike was led by the Nigerian Labour Congress (NLC) and its counterpart, the Trade Union Congress (TUC). The price of fuel was increased from 65 Naira to 141 Naira in a nation where the minimum wage had just been increased from N7, 500 to N18, 000. It is pertinent to also mention that out of the 36 states in the country, only 27 had at this time fully complied with the minimum wage regime. The Nigerian Medical Association (NMA) also embarked on several strikes within the period 1999 to 2013, the latest of which started on October 1, 2013 over poor medical infrastructure in hospitals and some unpaid allowances that were agreed upon earlier through collective bargaining. Another recent strike by medical professionals had taken place in Lagos State in 2012 over a salary structure considered inconsistent with those of their counterparts elsewhere in the country. The conflict resolution option at this time was to sack all the medical doctors who participated in the strike, with the hope to replace them with fresh recruits, but sanity prevailed ultimately.

An agreement was reached by the Federal Government through collective bargaining with workers of the Power Holders Corporation of Nigeria (PHCN) over a policy issue that was aimed at privatizing the company with effect from October 1, 2013 after the company had been split into three, namely: generation, transmission, and distribution components. Part of the agreement reached was to pay off the workers' severance allowances and sundry other entitlements. However, it turned out that at the date of take-off, only 10% of the workers had been paid off, leaving the rest no choice other than to go on strike. Sometimes in 2012, the non-legal

professionals in the Nigerian judiciary embarked on strike to protest poor pay. The strike was resolved after two weeks.

CONSEQUENCES

There is growing unease among leading companies in Nigeria with the way the federal Ministry of Labour and Productivity has been handling labour disputes between employers and trade unions, with stakeholders saying this could discourage investments and threaten job creation in the country. There is no doubt that all the national shut-downs have contributed largely to the country's sorry state of economic affairs. According to the 2012 Index of Economic Freedom report released by the United States-based Heritage Foundation, for Nigeria, "The business environment has improved only marginally. The entrepreneurial environment remains burdened by time-consuming and costly regulatory procedures." Nigeria's economic freedom score is 56.3, making its economy the 116th freest in the 2012 index. This score is 0.4 point lower than that of the year before, reflecting declines in six of the 10 economic freedoms, including labour freedom.

The labour freedom component is a quantitative measure that looks into various aspects of the legal and regulatory framework of a country's labour market. It provides cross-country data on regulations concerning minimum wages, laws inhibiting layoffs, severance requirements, and measurable regulatory burdens on hiring hours. Despite the fall in the labour freedom component of the index, Nigeria still ranks above peers like South Africa when it comes to the flexibility of the labour market. This relative advantage is, however, in jeopardy of being eroded by the misguided stance of some of the labour unions and the mishandling of labour disputes by the Ministry of Labour and Productivity.

Nigeria is a country blessed with notable human and natural resources. But in spite of this, Nigeria's GDP per capita is only \$1,200 dollars; average life expectancy was put at 47 for women and 41 for men; and poverty is widespread, with about 73% of the population living below the poverty line in 2012. Hence, Nigeria was ranked by the UNDP 2011 Report on UN quality of life/Human Development Index as the 156th out of 187, among the "least human development" countries globally in

terms of income, education and life expectancy. The country's economy is dominated by the primary production sector, with agriculture, which is predominantly practiced by rural farmers with low and declining productivity, accounting for 41.6% of GDP, followed by crude oil 15% in 2011, while the secondary sector, especially manufacturing, stagnated at 3.7 to 3.9% of GDP in 2011. This makes Nigeria one of the least industrialized countries in Africa.

CONCLUSION

If truly, 37% of the Nigerian population of over 170 million constitute the entire workforce for the country, and upon this ratio, the remaining 63% (the aged, the underage, the sick and the unemployed) depend for sustenance, then the parlous state of labour relations in Nigeria cannot be overemphasized. Recently the allowances and remunerations of the nation's political officeholders came into serious contention in public discourse, and the verdict weighed preponderantly in favour of the conclusion that they are excessively overpaid if their contribution to national development is to be used as an index of performance measurement. Assemblymen legislate for themselves fat salaries when they only sit for three days in a week when the assembly is in session, and they religiously observe all self-appointed holidays that are hardly consistent with labour regulations. Since the inception of the Fourth Republic, no significant bill has been passed to restructure the labour industry in Nigeria or institute social support for the 67% whose burden of existence has to be borne by the 37% workforce who operate on the N18,000 minimum wage profile.

The above has succeeded in raising serious equity issues in the labour reward system, which by its nature is demotivating and provides a fertile grounds for agitation to force an equilibrium in an economy that remains acutely unkind to the non-affluent. Labour relations became overheated when the public enquiry into public finances championed in most cases by the National Assembly revealed mind-boggling corruption and massive stealing of the common wealth without concomitant punishment. When the middle class that ought to have been created by a merit-induced remunerative financial system is all but wiped out leaving a lopsided 1.7% rich and affluent against 97.3% poor, then labour relations cannot but be

in serious disequilibrium. In the Nigeria of today, it is only the lucky few who serve in government, or who are hired by foreign oil companies that have no labour issue to engage themselves with. Corruption has stifled industry and skill. Governance comes with a boldly displayed banner of irresponsibility, where a serving democratic government cannot strike a connection between the health of the educational system and national development. Where discontent permeates the workforce, and corruption remains the only means by which job satisfaction can be attained, and an atmosphere of crass insensitivity to honouring agreements reached through unforced negotiations pervade the work environment, good labour relations become the victim. It is easily evident that the health of labour relations in Nigeria in 2013 was in serious danger, particularly judging by the acrimonious relationship that existed between the federal government (the largest employer of labour after manufacturing industries have been forced by economic hardship to fold up) and its employees.

SUGGESTED ALLEVIATION MECHANISMS

1. Solution must be urgently proffered to the unemployment situation in the country.
2. The employed must be adequately remunerated.
3. The education industry feeds a virile manpower base, so it must be adequately funded, and its handlers adequately motivated.
4. Bargaining through quality negotiation defines a modern-day work environment, both for the employer and the employee, hence all organs of arbitration and the Ministry of Labour, in particular, needs to be overhauled and populated with skilled expert labour players.
5. All agreements arrived at through negotiation become binding covenant that must be respected by both parties.
6. Sack is a weapon reserved by employers to make workers toe their line of interest, but when overused in an economically depressed polity, it does often backfire, thus worsening the restive socio-economic atmosphere.
7. The gap between the rich and the poor needs to be closed up through the designing of a new but virile wealth distribution

- system that would leave no one in the polity shortchanged.
8. Government must be trained in the art of understanding that a high degree of correlation exists between national development, national security, public good and job satisfaction at the macro level.

RELIGION IN DEMOCRATIC NIGERIA: A JANUS-FACED PHENOMENON

Segun Oshewolo

INTRODUCTION

As a creed, religion has certain functional objects. These objects have also produced certain cultural expectations, such that when they robustly align with national goals and aspirations, then religion is said to be functionally proactive. In this regard, Machiavelli postulates that public spirit is crucial to the stability of the state, and one of the key determinants of public spirit is religion. He advised the *Prince* to do everything possible to cultivate belief in religion, even if the ruler in his personal capacity has very little faith in religion (Mukherjee & Ramaswamy, 2007:146). It is implied here that religion possesses important ingredients that infuse the individual with the right values and attitude, and in the end promotes the stability of the system. These attributes necessitate the functional categorization of religion as a political tool.

In Nigeria, religion is a core factor in the moulding of public perspectives. For instance, the opinions of Christians on critical public issues and their interactions in the public realm are influenced by biblical injunctions. On the other side of the divide, Islam as a way of life dictates and governs the totality of the life of Muslims from cradle to grave. Their political interests, economic considerations, social values and interactions are often given Islamic interpretations based on the Holy Quran, prophetic practices and other sources of law recognized in Islam (Oguntola-Laguda, 2008). The secular status of Nigeria notwithstanding, religious ideas continue

to shape the ways that Nigerians explain, predict, and control the events and life circumstances that surround them (Adogame, 2010).

In view of the foregoing and as a creed that is somewhat Janus-faced, religion can serve as a functional factor in achieving social cohesion and stability, but can also be portrayed as a central factor in communal violence in diverse societies (Huda, 2012) like Nigeria. This paper examines the various forms of religious engagements in the public arena in the context of the current democratisation in Nigeria, and how they have served as a legitimising and stabilising factor in certain circumstances, and assumed a destabilising role in others. Granted that the employment of religion as a tool of public engagement in Nigeria has its own dynamics as a result of the nation's centrifugal political configuration, how can this situation be better managed to avoid unnecessary religious hostilities?

RELIGION AND THE PUBLIC SPHERE: A THEORETICAL EXPOSITION

The functional perspective, which features prominently in the writing of thinkers such as Emile Durkheim and others, sees religion as performing the functional role of reinforcing the collective conscience of society requisite for social order and stability (Mohammed, 2008). The basic assumption of this approach is that religion is universally found because it has a vital function in maintaining the social system as a whole (Dua, 2013). This explains why the functional analysis of religion at the societal level begins with the question of the significance of the universality of religion (Kolb, 1953). This significance is defined by the prominent role religion plays in the contemporary political and cultural landscape of nations as an indissoluble part of a unique aspect of human social organisation, and its crucial position in the political and economic configuration of nations as has been demonstrated dramatically in recent times (Onapajo, 2012; Bloch, 2008; Proctor, 2006).

According to the prevailing views, religion and religious institutions perform integrative and supportive functions. Thus religious institutions are seen, in relation to other institutions of society, as promoting solidarity through the provision of significant symbols, norms, supernatural sanctions, and so on. In relation to personalities, and hence indirectly to

society, they have also been seen as ego-supportive, cathartic, therapeutic, operative in the maintenance or restoration of self-confidence, in the reassertion of 'life values', and in the reinforcement of collective sentiments in the face of various kinds of crises (Eister, 1957). In addition, religion bolsters legitimacy and also represents a potent instrument for effective political mobilisation. The object of the above functional categories is political stability. It should also be emphasised that the functional capacity of religion is enhanced by the good patronage it enjoys in the media, its capability to unite different social groupings, its veritable platform for political meetings, its strong international links and the global solidarity it enjoys (Onapajo, 2012). Most importantly, the sacredness of religion as deciphered by the functional theorists represents its strongest catalyst in the political domain.

In this functional context, it is assumed that religion will enhance political stability. If this is not the case, as constantly played out by the Nigerian scenario, then something fundamental is amiss. As a result of the above, debates on the role of religion in the public space have revealed increasing social tensions and polarisation in public opinion (Kattan & Suleiman, 2012). This state of affairs explains why religion has become Janus-faced – though it is a legitimising factor, but it can also assume a destabilizing role if not properly managed. The reservations of the pessimists about the stabilising role of religion largely stem from its failure to check constant hostilities traced to its doorstep. Given the occasional outburst of religious temper across the globe with its fatal consequences, one may be tempted to conclude that its destabilising role overbalances its legitimising role in the interim.

The above functional values notwithstanding, it is not impossible for devotees to err in giving expression to their religious symbols and codes. To expound this, phenomenology is adopted as a helpful instrument of analysis. Phenomenology focuses on consciousness and the content of conscious experience, such as judgments, perceptions, and emotions (Connelly, 2010). The presupposition is that the central structure of an experience is its intentionality, being directed toward something, as it is an experience of or about some object (Smith, 2011). As important as this may be in giving expression to knowledge, a major fault line, however, is that phenomenology may guarantee the understanding of structures of

meaning and coherences of meaning, but does not guarantee the ultimate understanding or judgment of the reality or the truth (Westerink, 2010).

Religious symbols are part of our world, relating to another world. In order to understand the process by which symbols grow and develop, the particular context of a symbol is important (Beyers, 2013). In relation to the functional framework of religion, devotees should not claim ignorance of their minimum rules of engagement as prescribed by their religious creeds. However, supposing that devotees are aware of these codes of conduct, it is one thing to fully uncover and grasp them, while it is another to adequately imbibe them. When these functional codes are not properly imbibed and internalised, devotees inevitably blunder in their interactions in the public sphere. Another major source of blunder is the perception of the individual about religious norms and symbols, which most of the time counteracts the perceptions of others. The effect is usually disruptive. This is usually the case in Nigeria. This condition is explicable. Nigeria represents a country where religion reinforces ethnic and regional differences, thereby making stability more difficult (Mazrui, 1996).

RELIGION AS A JANUS-FACED PHENOMENON IN NIGERIA

With the liberalisation of the political space from 1999, Nigerians are now faced with various political and social choices and opportunities. This was not the case during the era of military autocracy, characterised as it were by a closed system. Religion is one denominator of these opportunities. However, religion in democratic Nigeria has assumed the orientation of a Janus-faced phenomenon. There have been evidences that suggest that while religion has served as a unifying and stabilising element, it has also manifested as a destabilising tool. The modest effort here is to carefully distil each of these dimensions.

A UNIFYING AND STABILISING ELEMENT

A major event that demonstrates how potent religion could be in unifying Nigeria's diverse population was the internal response to same-sex marriage. Public perspectives on same-sex marriage provide an interesting

prism to scrutinise an issue that can conflate the sentiments of both religions and how influential such conflation could be on the policy process.

With the reported pressure from the international community on government to sign the Gay Rights Bill into law, citizens across religious divides were unanimous in their rejection of the bill. A poll revealed that 92 per cent of Nigerians were in support of the proposed Anti Same-Sex Bill. The poll conducted by NOI Polls Limited from June 4 to 6, 2013 in Nigeria also revealed that the reason behind their support revolved around morality and religion (Vanguard Newspaper Online, 2013). Pastor Ayo Oritsejafor, in his capacity as the President of the Christian Association of Nigeria (CAN), urged President Goodluck Jonathan to immediately sign the bill against same-sex marriage into law as soon as it got to him (Leadership Newspaper Online, 2013). The National President of the Da'awah Council of Nigeria, Alhaji Lawal Maidoki, also pledged the support of the council to the National Assembly on the legislation against same-sex marriage in Nigeria. To him, 'Any sane, well-meaning Nigerian, whether Muslim or Christian, would vehemently oppose same-sex marriage in line with the provisions of the Holy Scriptures of the religion he or she practices' (Daily Times Newspaper Online 2013).

As a result of the opposition from key religious opinion leaders as well as its condemnation by the generality of the populace, the House of Representatives on 30 May 2013 passed the Anti-Same-Sex Marriage Bill that makes same-sex unions in Nigeria a criminal offence punishable by a maximum sentence of 14 years in prison. The bill also criminalises public displays of affection by same-sex gender partners (Vanguard Newspaper Online, 2013). Nigeria's President, Goodluck Jonathan, however signed the bill on Monday 13 January 2014 defying western pressure over gay rights and provoking criticism from the United States (The Guardian Newspaper Online, 2014). With this effort, Nigeria has provided the lead for other countries in Africa. Uganda, for instance, has followed this lead and has also criminalised same-sex marriage.

Again, several religious groups have been championing policy reforms in democratic Nigeria. This is because the current democratic environment makes allowance for a robust public dialogue on critical issues of national importance. This is an important element of public spirit that was spuriously denied the people by military dictators. In Ukiwo's submission, many

of these groups have worked in areas as varied as poverty alleviation, prisons reform, conflict resolution, civil education, and constitutionalism. They have indirectly influenced public policy through the use of popular media and specialised publications, protests, advocacy, and even litigation (Ukiwo, 2003). Their developmental capabilities have also been impressively demonstrated. Several of these Muslim and Christian bodies have impacted positively on development through their investments in education. They have established schools across the different levels of education – from primary to tertiary. A number of hospitals and insurance companies are also traced to religious groups in Nigeria. Although the primary aim is to advance the interest of members, when put in a broader context, they are advancing national interest.

More so, religion has served as a mobilisation tool for policy implementation. Lagos provides an interesting instance. In an attempt to encourage tax payment in Lagos State, selected Christian and Muslim leaders were used in paid advertisement. The bold pictures of Pastor Enoch Adeboye – General Overseer of the Redeemed Christian Church of God – and Imam Garuba Akinola – Chief Imam of Lagos State – with the inscription that all religions support the payment of tax (Ayantayo, 2009). These figures are opinion leaders that are greatly respected by the members of their respective religions. Their stance on any public issue, to an extent, determines the behaviour of their members. From the foregoing, in relation to our common goal of national development, religious bodies appear to have done fairly well as unifying and legitimising elements.

A DESTABILISING TOOL

Without any doubt, the insertion of ethnic and religious sentiments in the political sphere has been a major aspect of Nigeria's political history (Ukiwo, 2003). Tempers flare, predictably, when the expectations of certain individuals and religious groups are not met, or when a public policy is perceived to confer inconveniences and pains. These occurrences have largely portrayed religion as a destabilising tool in the Nigerian context. Some empirical templates are provided below.

Following the victory of Nigeria's Agbani Darego in the 2001 edition of the Miss World contest held in South Africa, the 2002 edition was

billed to be held in Nigeria. The news that the government was going to be involved produced a violent outburst of public temper, particularly from the Muslim population. The reasons given for this public outcry were influenced by religious considerations. The proposed 30 November date coincided with the Muslim month of Ramadan, and the feeling was that the timing was not right. Another major source of discontent was the general feeling that the event contradicted the moral standards of Sharia law (Obadare, 2004). Although the date of the event was later changed, the dust it had generated meant that the contest would be relocated to the United Kingdom. Obadare (2004) identifies the consequences of the charade to include: avoidable riots that led to public displacement, hospitalisation, deaths, and destruction of property; fraught relations between Christians and Muslims; and a revelation of the shallowness of the country's political foundation.

Furthermore, religious bodies such as CAN and the Supreme Council of Islamic Affairs tacitly predicate the choice of candidates on religious affiliation during elections. This orientation has given birth to the unwritten rule of Christian/Muslim ticket or Muslim/Christian ticket as the case may be. This is common when there are two positions running concurrently such as those of the President and Vice-President, Governor and Deputy-Governor (Ayantayo, 2009). However, beyond sentiments, this may appear reasonable and thus necessary for religious balancing in political offices in as much as people of a certain religion do not see the highest political office as their inviolable right. Also, the presidential election of 2011 revealed a voting pattern that was heavily influenced by religion. The Christian South overwhelmingly voted for President Goodluck Jonathan, while the core Muslim states of the North endorsed former military dictator, Muhammadu Buhari. The same voting pattern also characterised the 2015 Presidential election between the two candidates. But, to Ayantayo (2009), laying emphasis on religion, as against other factors like political manifestoes, as a determinant of voting behaviour is dangerous to democracy. It is also argued here that such orientation may hamper the capacity of government to deliver a high order of public goods, particularly if a candidate with an agnostic posture to good governance is selected on the altar of religion.

A major controversial policy that has generated divided opinions,

relates to the adoption of Sharia by a number of northern states. Shortly after democratic re-birth in 1999, the parliaments of some northern states enacted new laws to islamise the states. The Law was adopted as a tool of political governance to deal with some perceived social problems. But the extent to which this sacred law has been able to address the perceived social problems remains in the realm of prospective analysis. Given the anti-secular nature of the law, the abolitionists, who are mostly Christians, have argued that the law be disregarded as it violates the Nigerian constitution and international documents on human rights. On the other hand, the retentionists, who are mostly Muslims, maintain that Sharia must stay because it covers Muslim laws directly derived from the Quran (Taiwo, 2008).

In a secular country like Nigeria, the adoption of this policy is largely problematic. This would not be the case in theocratic nations, though. The law therefore negates the constitutional provision on secularisation. There is also the human-rights angle to Sharia. As an agent of social control (Kalu, 2004) that prevents two opposite sexes from doing certain things together in the public, the likelihood of the law infringing on human rights is high. Again, the manner of its implementation, which has been adjudged to be discriminatory, requires contemplation. The commoners have mostly been targeted. This discriminatory approach is casting a shadow on the potency of the law to deal with social problems.

The employment of Sharia as a tool of political governance by some northern governors also raises certain questions bordering on national integration and political stability. In a country as ethnically and religiously diverse as Nigeria, with a mixed religious population characterizing every zone, logic demands that divisive and destabilising tendencies under whatever guise be avoided. This informed Machiavelli's admonition for responsibility and caution in the political employment of religion. In Nigeria, this situation has created an ambience of suspicion and mistrust from their Christian counterparts. The policy and the accusatory remarks it has generated represent a critical threat to the political foundation of the nation. For instance, to register its displeasure based on the socialisation process that would be dictated by the Quran injected with restrictive, deterrent and punitive instruments (Kalu, 2004), the Pentecostal Fellowship of Nigeria, a Christian group, denounced Sharia in a full page advertisement

by calling it medieval, crude, stone-age laws which provide for people to have their hands chopped off with swords in the public sphere for adultery, and for women to be discriminated against and separated from men in public places (Ludwig, 2008).

CONCLUSION

There are two major traps in interpreting religion – one is underestimating it, and the other is overestimating it (Demerath III, 2002). The power of religion has not only been underestimated by constantly ignoring its capacity to fan the embers of violence and compromise social stability, it has also been overestimated by believing that the adoption of particular religious laws would terminate all social problems in the country, without factoring in the complexity of the Nigerian state. The different dimensions of religious engagements in the political sphere have produced a number of fatal consequences. There have been avoidable riots culminating in the destruction of lives and property, including worship centres. The regrettable prospect of growth in religious fundamentalism is another major concern that can worsen the already delicate situation in the country. This is only a reminder of the fact that the political foundation of Nigeria needs to be re-negotiated.

The tremendous political, social and economic challenges confronting Nigeria necessitate considerable individual and collective adjustment (Uzodike & Whetho, 2011). Considering the fact that religion is gradually supplanting ethnicity as an influential factor in the construction of national identity, government authorities must cut the ideological excesses of certain religious groups, prevent the manipulation of religious differences by unscrupulous individuals, and deflate other hazardous religious tendencies. It is recommended that governments at all levels must project issues around which religious sentiments conflate to promote cross-religious understanding and co-operation. Given that religious bodies possess some capabilities in promoting development, these values, particularly as they relate to the policy process, must also be encouraged.

Finally, the secular status of the nation must be re-visited. In this context, relating to the use of religion, the country and the component parts are expected to be neutral. The country and the component states

are to protect all religions but interfere with none. It should treat equally all the religions within the state and ensure that no one is discriminated against on the ground of religion (Taiwo, 2008). This, however, does not mean that the state should not encourage religion to build a robust public spirit. It must be clearly defined in the constitution what it means to enjoy religious rights, and whether there are limits to these rights or they are absolute.

THE POLITICS OF ISLAMIC BANKING IN NIGERIA

Michael Kehinde

INTRODUCTION

The future of Nigeria as a united sovereign state has never been called to question as in recent times. Events across the country over the last couple of years are ominously symptomatic of a catastrophic future should matters continue as they are presently. From the Niger Delta part of the country emerged armed militancy characterized by kidnapping, arson, economic sabotage and general insecurity. In the Eastern part of the Igbo ethnic group remains the unresolved Biafran⁶⁵ question. In the West, there have remained calls for a sovereign national conference where the Nigerian federal bargain would be reviewed. In the North, there have also been questions about the recent political 'marginalization' of the region coupled with the usual ethno-religious conflicts. The recent emergence of the Boko Haram Islamist fundamentalist group is the latest of such ethno-religious uprisings emanating from the northern part of the country, predominantly populated by Muslims. Critical for the country's unity was the ultimatum by Boko Haram for all non-Muslims and southerners to leave the North as they hoped to impose Sharia rule in that part of the country (Punch Newspapers, January 3, 2012).

These various issues derive from, and reinforce the weak character of

⁶⁵ The Nigerian Civil War of 1967-1970 was fought following the declaration of secession of the former Eastern Region, predominantly populated by the Igbo.

the Nigerian state. The state began on a fundamentally weak base following the transition from colonial rule. The colonial social structures, which became the basis of the postcolonial Nigerian state, were ill-suited for sovereign rule. The colonial economy was exploitative, extractive and organized as an appendage of the British economy. Social infrastructures were designed to facilitate the economic exploitation of the colony. The organization of the state was also designed to aid British rule and exploitation. The colonial administrative system, based on customary rule, highlighted ethnic differences and reified group differentiation and simultaneously pitched one group against the other (divide and rule), in order to perpetuate colonial rule (neo-colonialism). For example, in the debates surrounding self-rule on the floor of the Nigerian Parliament in the early 1950s, the leadership of Northern Nigeria stalled on a date for independence, rather arguing for individual regional self-rule when practicable.

This was the prevailing condition at the time of political independence in 1960. Simply put, Nigeria was not prepared for independence, or as some have argued, the country was set up for failure (Fani-Kayode, 2011). The interplay of these issues has confronted Nigeria with intractable problems that have combined to keep the country underdeveloped, insecure and unstable. To this cauldron has been added the recent Islamic banking (IB) controversy. The debates and tension generated by this development have further heightened ethno-religious tension in the country. Nigeria's future is uncertain at best, given the growing inefficiency of the state, grinding poverty, institutional corruption and increasing fault lines.

The rest of the paper is structured into four parts, namely: the Nigerian state- a background; fundamentals of Islamic banking; Islamic banking in Nigeria: Islamization agenda?; implication of Islamic banking for the Nigerian State.

THE NIGERIAN STATE – ETHNICITY AND RELIGION

Nigeria is a product of British colonialism in Africa. Its present system of government, current ethnic and religious configurations and tensions are consequences of its colonial past. The country is a federation, divided into 36 states and Abuja, the Federal Capital Territory and further divided

into 774 Local Government Areas. Its estimated population of about 177,155,754 features over 250 ethnic groups and many different languages (Central Intelligence Agency (CIA) March 27, 2014). Out of the many ethnic groups, three – Yoruba, Hausa and Igbo – owing to their numerical strength are regarded as the majority. These groups are regional based in what has been described as the “natural division” of Nigeria into the North (Hausa), West (Yoruba) and East (Igbo).⁶⁶ The population of the country is roughly divided equally between Christianity and Islam, save for a small proportion adhering to traditional African religious beliefs.⁶⁷ Furthermore, there is a regional link with religion; the North is preponderantly Islamic; the East is predominantly Christian; while the West represents a mix of all the religious groups in the country. Thus, there is a very thin line between ethnicity and religion as ethnic crisis easily assumes religious dimensions and vice versa. The Boko Haram ultimatum mentioned above is an instance of the blurred demarcation between religion and ethnicity in Nigeria. Ethnic and religious rivalries have been integral part of the state since colonial times, but became heightened in the years leading to independence and beyond, especially since the civil war.⁶⁸

Control of the apparatuses of the state became desperately ethno-religious, given the significance of the state in the economy. The state in Nigeria as in the rest of Africa is the most critical factor in the economy and access to state power means access to the vast resources of the state for self-aggrandizement and patron-client reinforcement. Hence, control of the state has assumed a desperate power-play as incumbents (read ethnic groups, not political parties) seek to monopolize access by preventing others from accessing state power, ethnic/religious rivalry heightens

⁶⁶ Though each of the groups constitutes the majority ethnic group in their respective regions however, they are by no means the only groups as each region has a multiplicity of several minority groups.

⁶⁷ Figures calculated from the Nigerian Population Commission and the ORC Macro, Nigeria Demographic and Health Survey (2004) show the Muslim population as 50.5%, Christian as 48.2%, while the remaining 1.3% is composed of animists.

⁶⁸ Biafran propagandists portrayed the war as one between the Christian East and the Muslim North-controlled federal government.

and occasionally boiling over in violent conflict.⁶⁹ In order to address this problem, the political elite, in the last couple of years, have devised a power-sharing formula, which ensures a Muslim/Christian, North/South power-sharing arrangement at the federal level. These factors are crucial in understanding the dynamics of ethno-religious relations in contemporary Nigeria.

Ethnicity and religion have always played a defining role in Nigeria's government and politics (Kukah 1993; Reynolds 1999). In the 1959 parliamentary elections leading to independence, the Northern Peoples' Congress (NPC), representing the North won 142 seats in the 312-seat national assembly, the National Council of Nigerian Citizens (NCNC) representing the East won 81 seats, while the Action Group (AG) representing the West won 73 seats (Dudley 1973; Osaghae 2002). No party won an electoral majority, necessitating coalition building across ethnic and religious divides. The emergent federal government was run by a Northern/Eastern-Muslim/Christian coalition. However owing to fundamental differences arising from mutual distrust and rivalry among members of the coalition, the First Republic was characterized by political violence and gross instability.⁷⁰ These problems culminated in the Nigerian civil war, between the secessionist Biafran Republic of Eastern Nigeria and the rest of the country between 1967 and 1970.

Christianity/Islamic rivalry has continued to play a significant role in the governance of the country (Kukah 1993, Osaghae 2002). Attempts were made to include the provisions of the Sharia in the 1979 Nigerian Constitution, to include criminal matters.⁷¹ The controversy over this issue almost truncated the activities of the Constituent Assembly (CA) formed to amend and ratify the draft constitution (Osaghae 2002: 90-91). The

⁶⁹ Indeed every national election has been accompanied with electoral fraud and political violence. The last presidential election in 2011, won by a southern minority, witnessed widespread violence in the North.

⁷⁰ The opposition party (AG) was not left out of the jostling; indeed, the coalition parties schemed the opposition out of reckoning, in order to gain a foothold in the opposition's stronghold.

⁷¹ The provision of the Sharia has always been included in the Nigerian legal code since colonial times, albeit limited to personal and civil matters.

Constitutional Drafting Committee had provided for a Federal Sharia Court of Appeal in the new constitution, effectively expanding the scope of Sharia to include criminal matters. However an anti-Sharia coalition of Southern and Middle-Belt Christians with numerical superiority over Muslim members of the CA expunged the Sharia provision, which generated deep division within the CA leading to the walk-out of the pro-Sharia group. It was not until the intervention of the military head of state that the Committee could reconvene to complete its task. Though the provision was expunged, a compromised clause, which allowed three judges versed in Islamic law to sit in appeal cases referred from state Sharia courts was finally adopted (Osaghae 2002: 91).

In 1985, Nigeria was registered as a member of the Organization of Islamic Conference (OIC) by the military regime of Gen. Babangida, a Northern Muslim. This further aggravated inter-religious tensions as the Christian leadership alleged a surreptitious Islamization of the country (Falola 1998: 97-100). Matters were to reach a boiling point shortly after with the leaderships of both religious groups on opposing sides. The Christians were vociferous in their demand for an immediate withdrawal of Nigeria's membership, while the Muslims were prepared to make the country ungovernable should the demands of the Christians be acceded to (Falola 1998). Government's response was to set up an inter-religious committee to examine the benefits and disadvantages of OIC membership for the country. The committee's recommendations did little to assuage the fears of Islamic domination with the Christian community rejecting the recommendations of the committee. However, in order to prevent a full-blown outbreak of hostilities, government has not officially withdrawn membership (to satisfy Muslims), while it has refused to actively participate in the OIC, nor advertise its membership of the organization (to assuage Christians).

The OIC issue has created a new basis for religious tension as every move of government, be it routine military transfers or administrative procedure, became suspicious to every religious group (Elaigwu and Galadima, 2003:132). Furthermore, the OIC controversy has deepened disaffection and dissatisfaction between the two religious groups. The Muslims are aggrieved that their demands were not met, while the Christians continue to allege a programmed Islamization of the country. In 1993,

the government of Gen Abacha registered Nigeria as a member of the Developing 8 (D8), a cooperation among Muslim developing countries without reference to any group or the Nigerian people. This action further gave credence to the fear of Christians relating to the Islamization of the country. In spite of opposition, Nigeria's membership of these Islamic organizations remains unchanged.

The Sharia issue came up again in the build up to the 1999 Constitution, with the leadership of the Muslim North insistent on having its provisions on criminal matters included in the constitution. However, the final document only made provisions for a State Sharia Court of Appeal with competence over civil matters involving Islamic personal Law just as the 1979 Constitution (Federal Republic of Nigeria, 1999: 277). In spite of this provision, political leaders in the North's 12 (core) states extended the constitutional provision by implementing Sharia over criminal matters, which triggered a fresh round of communal conflicts and widespread insecurity and heightened mutual distrust between Christians and Muslims (Suberu 2009). The adoption of Sharia in these states provoked further controversies with southern states arguing that the regime of federally collected VAT revenues be reviewed such that states should now collect VAT, rather than the federal government. The argument hinged on the fact that VAT revenues from non-Sharia compliant products (alcohol, hotels businesses, etc.) should not be distributed to Sharia states.

The 1980s witnessed the first religious conflict with massive fatality in the country. The Maitatsine religious riots of 1980 began in Kano and gradually spread across the Northern part of the country (Kukah 1993: 154). The Maitatsine, a fundamental Islamist religious group unleashed violence on the police, Christians and moderate Muslims for over a week until the military was called in to quell the onslaught. While the Maitatsine riots were not the first religious crisis in the country, it was the first with massive fatality.⁷² The violence orchestrated by Boko Haram since 2009 is the latest in the orgies of religious violence in Nigeria. Boko Haram (which means, Western education is taboo) is an Al Qaeda

⁷² Earlier in that year (1980), there was an outbreak of religious crisis in Zaria (Northern Nigeria), when Christians were targets of Islamic fundamentalist attacks. The fatality rate of this crisis paled in comparison with the Maitatsine crisis of the later part of 1980.

(in the Islamic Maghreb) affiliated and sponsored terrorist organization operating mainly in Northern Nigeria (Messahel in Chikhi, 2011).⁷³ Over the last couple of years, the group has unleashed a reign of terror on (Northern) Nigeria, especially against security forces and Christian groups and non-Northerners. They have carried out several suicide bombings of high-profile targets including the UN Headquarters and the Police Headquarters in Abuja as well as the Christmas bombing of St. Theresa Catholic Church in Madalla, Niger state, located about 40 km (25 miles) from Abuja. There have also been several armed attacks on Southerners resident in the North as well as Christians.

Boko Haram remains the single most potent attack on the unity of the Nigerian state. On January 1, 2012, the group issued a 3-day ultimatum to Southerners and non-Muslims to leave the North in reaction to the state of emergency declared in certain Northern states where the group has perpetrated a reign of terror (Vanguard 01/02/2012). This crisis compelled Christian groups and southern Nigerian ethnic associations to encourage their members to leave the North (Punch 01/03/2012). For those who cannot leave (Northern Christians), they were urged to defend themselves (Tribune 01/03/2012). The Christian leadership reiterated the ability and willingness of Christians to defend themselves against unprovoked attack (Vanguard 01/05/2011). The Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a pro-Biafra movement, called on Igbo residents in the North to return to the East, reminiscent of the events leading to the Nigeria Civil War in the late 1960s. MASSOB went a step further by organizing transportation as well as setting up a refugee camp for returnees (Vanguard 02/09/2011; The Nation 02/11/2012). Again, the Niger Delta Liberation Front warned Boko Haram to steer clear of the Delta in its own interest. They also accused Boko Haram of plotting to make the country ungovernable for President Jonathan, an Ijaw from the Delta (Vanguard 03/05/2012). The Odua Peoples' Congress (OPC) – a pan-Yoruba ethnic militia group – organized a rally in Lagos in late

73 The Nigerian Army hierarchy reportedly has a confirmed information that shows a link between Boko Haram and al Qaeda in the Islamic Maghreb (see <http://news.yahoo.com/nigeria-military-chief-says-boko-haram-ties-al-191221523.html> accessed on 03/20/2012)

2011 protesting the activities of Boko Haram as well as government's inability to contain the group (Sunday Tribune 12/09/2011). OPC also called on the Yoruba in Northern Nigeria to return home to the Southwest following the Boko Haram ultimatum to non-Northerners resident in the North (Vanguard 01/05/2012). They (OPC) also warned the group to stay off Yorubaland claiming that they are capable of defending their "territory" (Tribune 01/05/2012). There are reports of massive relocations of southerners from the North to their states of origin in the South (Guardian, 01/29/2012). The remains of victims of Boko Haram violence were also repatriated to their regions of origin, provoking reprisal attacks in some places.

The story of intergroup and interreligious relations in Nigeria is one characterized by competition, mutual distrust, violence and destruction. Between Zaria/Maitatsine crises of 1980 and the emergence of Boko Haram murderous rampage that began since 2009, Nigeria has witnessed over 20 religious conflicts accompanied by massive loss of lives and properties and insecurity. This is the setting to which the vexed issue of IB was introduced in 2011. The controversy surrounding the issue further heated up the already tense situation in the country. The implementation of the IB policy possesses the potential of hastening the tipping point as it is being considered by the Christian groups as a move to continue the Islamization of the country, led by Mallam Sanusi Lamido Sanusi, a Muslim and Governor of Nigeria's Central Bank.

FUNDAMENTALS OF ISLAMIC BANKING

The question that begs answer is what is it with IB that makes it so problematic in Nigeria? Or could the question be rephrased as what is it with Nigeria that makes IB an issue? These questions will be answered in the course of this and the next sections of this chapter.

IB (or participant banking) is a twentieth century development. It is banking or banking activity that is consistent with the principles of Islamic law (Sharia) and its practical application through the development of Islamic economics. Sharia prohibits the fixed or floating payment or acceptance of specific interest or fees (known as *Riba* or usury) for loans of money. Investment in business ventures that provide goods or

services considered contrary to Islamic principles is also Haraam (forbidden). While these principles may have been applied in historical Islamic economies, it is only in the late 20th century that a number of Islamic banks were formed to apply these principles to private or semi-private commercial institutions within the Muslim world

While conventional banking operations include acceptance of all forms of deposit, financing, letters of credit, forex, etc, and predicted on interest charged on money, the general principle guiding IB is permissibility and interest-free transaction. The basic assumption being that "all transactions are permissible unless they are prohibited by a text" (Abikan, 2009: 9). It follows therefore that any activity of conventional banking is permissible in IB as long as such activity is not prohibited by Islamic principles. As *Riba* (interest on money) is prohibited by the Quran and the Prophet, that practice does not qualify for permissibility under Islamic jurisprudence. The same is applicable to such business activities as alcohol trade, gambling and non-*hallaal* products.

The primary purpose of Islamic finance is the same as those of conventional banking; that is to make money for the banking organization by lending out capital. However, IB is conducted within the ambits of the provisions of the Quran and other Islamic texts and tradition with the aim of providing ethical investment and moral purchasing. To overcome the issue of interest on loans, Islamic rules of transactions (*Fiqh al-Muamalat*) have been developed, where emphasis is on joint venture, profit/loss-sharing, safekeeping, cost plus and leasing, rather than simply charging interest on loans. The implication of this is that both the creditor and the debtor are stakeholders in the transaction. For instance *Mudaraba* is venture capital funding of an entrepreneur who provides labor while funding is provided by the bank in a risk/profit-sharing arrangement.

Another means of dealing with the interest issue in lending is through floating rate interest loans, which is pegged to the company's rate of returns. In other words, the bank's profit on the loan is equal to a certain percentage of the company's profit. Here, rather than simply charge interest on loans, the lender (bank) is a stakeholder in the wellbeing of the borrower's business as returns on investment are shared by both lender and borrower.

As noted above, IB must conform to the teachings of the Quran and

other Islamic traditions. As this requires specialized training and knowledge of Islamic principles, IB is regulated by a Sharia Advisory Council/Consultant under the auspices of the Central Bank. Sharia councils are required to be established by every Islamic financial institution and composed of specialized Islamic jurists particularly in Fiqh al Muamalah and Islamic Finance entrusted with the duty of directing, reviewing and supervising the activities related to Islamic finance in order to ensure that they are in compliance with Sharia rules and principles. The views of the Sharia advisor shall be binding in the specific area of supervision (Laldin 2012). The Council, made up of experts in Islamic law and practice, performs the following functions:

- Directs the bank on its activities and the development of new IB products
- Ensures that banking operations and activities comply with Sharia principles
- Reviews the various procedures and practices related to IB activities
- Certifies products as Sharia compliant

CONVENTIONAL BANKING AND NON-INTEREST BANKING

Conventional banking system is based on interest, which is the cost of credit charged by creditors to borrowers on the principal (amount owed to the lender). Money is regarded as a product apart from being a medium of exchange and a store of value. Interest is the fee paid by the borrower of assets (money) to the owner as a form of compensation for the use of the asset (Sullivan 2003). It is usually the price paid for the use of borrowed money or money earned by deposited funds. It is calculated as a percentage of the principal, paid over a certain period of time. Interest rate takes into consideration the borrower's credit worthiness as well as the duration required to repay the loan.

Conventional banking system is based on a system known as fractional reserve banking where banks hold a small reserve of funds deposited and lend out the rest for profit (interest). In other words, in the conventional banking system, banks borrow money by accepting funds deposited on current accounts, by accepting term deposits, and by issuing debt securities such as banknotes and bonds. Banks lend money by making advances to

customers on current accounts, by making instalment loans, and by investing in marketable debt securities and other forms of money lending. All these transactions, deposits and loans, are based on interests; depositors receive a tiny percentage of their deposits as interest, while borrowers are charged a higher percentage on capital borrowed. The difference between interest on loans and interest on deposit constitutes the bank's profit.

Interest is therefore central to the operation of conventional banking. Hence, irrespective of the outcome of the borrower's financial dealings, interest payment of loans is compulsory, whether or not the borrower can afford to pay. This explains why collaterals or credit rating is essential in creditor-borrower relations in conventional banking.

Non-interest banking is the banking practice whereby loans are provided to borrowers without charging interest on the principal (amount owed to the lender). Interest free transactions date back to early Jewish tradition, which prohibited charging interest on loans among Jewish people (Moehlman 1934; Exo. 2.25; Deut. 23.20-21). In 325AD, the First Council of Nicaea forbade interest charging among Catholic clergy. This principle was later extended to the entire laity (Moehlman 1934). Thomas Aquinas, the leading Catholic theologian argued that charging interest on loan is wrong as it amounts to "double charging" – charging for both the capital and the use of the capital. The Catholic Church prohibition on usury meant that it was a sin to charge interest on a money loan (Catholic Encyclopedia 1914). As argued by Aquinas, the natural essence of money was as a measure of value or intermediary in exchange. The increase of money through usury violated this essence. Thomas Aquinas further contended that a just transaction was one characterized by an equality of exchange, one where each side received exactly his due. Interest on a loan, in excess of the principal, would violate the balance of an exchange between debtor and creditor and was therefore unjust (Aquinas in Moehlman 1934).

Islamic banking as a variant of non-interest banking emerged in the mid-19th century in Egypt from where it spread everywhere. Based on Islamic jurisprudence, it emphasizes moral and ethical business transaction. Interests are strictly forbidden in accordance with the provisions of the Quran and other sources of Islamic law. Islamic banking has grown, over the years, to become the major form of non-interest banking. It has

been hailed as a stable banking system, contrary to conventional banking which triggered the recent global economic meltdown.

Outside of religious groups, there are other non-interest banking systems, prominent among which is the Swedish JAK Members Bank established during the depression of the 1930s. JAK is a members' owned bank seeking the ultimate objective of eliminating interest on loans to members. According to the JAK philosophy, economic instability is a result of the charging of interest. According to JAK Homepage (<http://jak.se/international/international>), it operates under the following premises:

- The taking of interest is inimical to a stable economy
- Interest causes unemployment, inflation, and environmental destruction
- Interest moves money from the poor to the rich
- Interest favours projects which tend to yield high profits in the short-term

The ultimate goal of JAK is to abolish interest as an economic instrument and to replace it with instruments that are in the best interest of people. First aim of the bank is to offer a feasible financial instrument to its members, sustainable for the environment and serving local economy.

There are several non-interest banking systems across history, philosophies and locations. The essential features of these systems converge on the need to prohibit interest charging on loans as they all equally see interest as unethical and inimical to growth. Non-interest lending aims at promoting economic prosperity by making capital available to those who by the standards of conventional banking system would not be able to access such funds.

ISLAMIC BANKING IN NIGERIA: ISLAMIZATION AGENDA?

IB was introduced in the country with the Central Bank of Nigeria's Banks and Other Financial Institutions Act (BOFIA) in 1991. The Act is a guideline for the regulation and supervision of institutions offering non-interest financial services in Nigeria. The Act made provision for two kinds of non-interest financial services, namely: non-interest banking based on Islamic commercial jurisprudence as well as any other established non-interest principles. The rest of the Act is devoted to the

regulations on IB (with little or no input for the second category of non-interest banking). Following the introduction of the Act, a number of banks opened IB windows and began to operate. However, it was not until 21 June 2011, that the first Islamic bank, Jaiz International Bank, was granted a provisional operating licence.

The furore generated by the provisional licence was unexpected since IB had been in operation in the country since 1991. The uproar pitched the Muslim hierarchy and the Islamic community against the leadership of the Christian community and other religious groups. The Muslims are ready to die in defence of IB as evidenced in the threat of the Supreme Council for Sharia in Nigeria that Muslims are ready to go to war over IB (Punch 29/07/2011). The Sultan of Sokoto (the head of Nigerian Muslims) lent his voice to the debate when he stated that "IB has come to stay in Nigeria and there is no need to quarrel over the issue because we shall realize what we want. I want to assure you." The Sultan argued further that: "on IB or non-interest banking, so many people have said so many things about it. Why is it that whenever anything Islamic is mentioned, those who are not Muslims kick against it? That is what we need to ask ourselves here" (Punch 29 July 2011). Such proclamations as that of the Sultan could be construed by the opposition to mean that they had no choice in the matter; whether they like it or not, Islamic banking has come to stay. This could only fuel inter-group hostility and trigger conflict.

The introduction of full-fledged IB and the hardline postures of the Muslim hierarchy prompted an equally critical response from the Christian community and leadership. Pastor Ayo Oritsejafor (President of the Christian Association of Nigeria-CAN) who reiterated the usual Islamization agenda of the country by the powers that be, argued that IB was nothing short of the imposition and promotion of Sharia in Nigeria at the expense of non-Muslims. To him, IB will not favour anyone whose business does not conform to Islamic rules: "You don't expect me to stop selling pork because I want to do business with an Islamic bank because if I go there, the operation is based on Sharia law and the Sharia law says you can't touch pork and automatically, I'm disqualified. So, if I want to do anything with the bank, I either convert to a Muslim or close down my business" (sic) (Sun Newspaper, 27/7/2011). To those ready to do battle to defend the cause of IB, Oritsejafor avowed that no one group has the

monopoly of violence and that Christians will not be intimidated by the threat of different Muslim groups to defend IB at all cost, including preparedness for war (Leadership 27/07/2011).

The exchange of words was not limited to the hierarchy of these two religious groups as there were several Internet forums, Facebook groups and blogs devoted to the subject at the time. A review of many of the blogs and forums revealed a sharp division between proponents and opponents of IB, with several commentators advocating for the division of the country along ethnic and religious lines. The tone of these various groups dripped with unrestrained anger and provocative words capable of igniting interreligious crisis in the country.

Why did the full implementation of IB generate such uproar almost leading to an outbreak of war? The principles of IB, based on Sharia principles, are Islamic and enjoy the support of Muslims. Given that the Nigerian Constitution provides for freedom of conscience and association, IB could be regarded as the expression of the fundamental rights of Nigerian Muslims. Depriving them of such rights, as the Christian opposition could be construed, would be unconstitutional. This would have been the perfect scenario, however the manner of the implementation of the initiative was the actual trigger of the controversy. The question one should ask is why did IB suddenly become an issue in 2011 given that it has been in operation since 1991? The conduct of IB pre-2011 was appropriately confined to the realm of private venture with the CBN providing the operating framework. However, by 2011, IB became a major issue at the CBN with millions of taxpayers' funds spent in its promotion.

It is apropos at this point to consider the manner of the implementation of full-fledged IB in Nigeria in order to understand the controversies it generated. The CBN being the supervisory and regulatory institution of banking services in Nigeria is vested with the responsibility of licensing new banking products. However, with regards to IB, the CBN overstepped its statutory bounds by promoting IB through the organization and sponsorship of training programs and other initiatives. According to Oritsejafor, "Christians are not against Islamic Banking per se. What we are against is that a Federal Government agency, CBN, has become the promoter, driver, marketer and executor of Islamic banking contrary to the country's constitution" (Tribune, June 30 2011). For instance, The

CBN sponsored a study tour of a number of its senior officials to the Bank of Negara in Malaysia in 2008. It funded several conferences and workshops within Nigeria all aimed at “promoting, driving, marketing and executing” IB. These promos and related initiatives were funded by taxpayers who are not only Muslims but include Christians and adherents of traditional African religions.

The revised BOFI Act establishing non-interest financial services in Nigeria seems a deliberate misinformation as the title boldly announces non-interest banking. It however distinguishes between IB and other non-interest banking in its provisions. This implies that initiators of non-interest banking really are concerned about IB and nothing else. The inclusion of “other established non-interest banking” is an afterthought or devised to mislead. Otherwise, why discriminate between Islamic and other non-interest banking services? Furthermore, though such distinction has been made, the provisions of the Act are predominantly geared towards IB. For example, the Act provides for the establishment of a Sharia Advisory Council (which was later changed to Expert Advisory Council following protest by the non-Muslim segment of the country), which would advise the CBN about regulatory and compliance to Sharia in the conduct of the activities of these service providers.⁷⁴ It is this same Sharia Council that would advise the CBN on other non-interest banking as no such provision was made for this category of non-interest banking.

While the CBN actively promotes IB through different initiatives and capacity building, it did nothing to promote other non-interest banking providers. While there are elaborate guidelines and provisions for the establishment and activities of IB, there are none for other non-interest banking providers. Indeed, to underscore the unwholesome agenda of the CBN regarding IB, it would only register non-IB if and when it receives such application. There are simply no provisions for non-IB, the inclusion of other non-interest banking in the BOFI is only a smokescreen for the promotion of IB in Nigeria.

While the 1999 Nigerian Constitution guarantees freedom of

⁷⁴ Though the title of the advisory council was changed, its functions and membership remained unchanged.

conscience, thought and association, providing a constitutional basis for IB, the enjoyment of these provisions **MUST** not contravene other provisions of the Constitution. Indeed, given the role of the CBN in the emergence of IB, IB activities are illegal and unconstitutional. The central requirement of IB is compliance of products and services with the principles of Sharia and other Islamic traditions. However, this requirement excludes non-Muslims and non-Sharia compliant products such as breweries and alcohol business, pork production, gambling and lotto businesses from the emerging NIFI. Section 16 (1d) of the 1999 Constitution states “without prejudice the right of any person to participate in areas of the economy within the major sectors of the economy”. As long as the business venture is not prohibited by the constitution, it is legal and should enjoy unfettered access any area of the economy.

With further regards to constitutionality, the provision for the establishment by the CBN of a Sharia Advisory Council (under whatever name) to advise on Sharia matters for the effective regulation and supervision of NIFI in Nigeria contravenes the provisions of Section 14(3) of the Nigerian Constitution. The section states that “the composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of the country and the need to promote national unity...and there shall be no predominance of persons from a few states or from a few ethnic or sectional groups in that government or in any of its agencies”. The Sharia Advisory Council is by definition made up of Islamic jurists and leaders, effectively shutting out non-Muslims.

The intensity of CBN’s promo of IB led to the erroneous interpretation of non-interest banking as IB. In debates and reports on the controversy in Nigeria, groups and newspapers refer to non-interest banking as IB or use the terms interchangeably due to the misleading titling of the BOFI and the relentless promotion of IB as non-interest banking. Granted, the primary premise of IB is non-interest banking, there are other non-interest banks that are not Islamic, which in fact predated IB. Indeed, the *Jord Arbejde Kapital* (JAK), founded in Denmark during the Great Depression in 1931 is the earliest modern example of non-interest banking. IB is a relatively recent development having been surreptitiously introduced in Egypt in 1963 (Ready 1981). Furthermore, Islam is not the only religion

that preaches interest-free monetary transactions. The Bible (see for example: Deuteronomy, 23:19; Exodus 22:25; Leviticus, 25:35-37) condemns interest in money transactions; the Catholic in the middle ages banned interest in transactions among its members.

The concern of antagonists of IB in Nigeria, as elucidated by Oritsejafor, is not with the principle of IB, but with the manner of its introduction and operation in Nigeria. Every Nigerian is eligible under the law to engage in legitimate business association, just as every Nigerian is entitled to freedom of thought, conscience and association. The grouse is with the way that a federal government agency was used by proponents of IB to promote its introduction. The CBN was also used to create a preferential and easy passage for IB by lowering the required capitalization fund for the establishment of banks from 25 billion Naira to 10 billion Naira and 5 billion Naira for IBs.⁷⁵ They also argued that IB is exclusionary as its leadership structure and staffing exclude non-Muslims. Its range of activities too is discriminatory as non-hallal products and services, which otherwise are legitimate businesses, do not qualify for funding under IB.

These arguments would have been worthless had the CBN not appropriated a central role for itself in the promotion and support of IB. Any interest group could establish business ventures or associations and proceed to impose criteria of membership and association. This could only be when such ventures or associations are private initiatives without contributions from government. However, IB as presently conceived and promoted in Nigeria cannot be regarded as private, but a government initiative. It therefore does not qualify, constitutionally, to be exclusionary and discriminatory.

The CBN governor and other promoters of IB are quick to point to the fact that IB is operational in developed economies as well as predominantly Christian countries. The US, France and the UK are prime examples offered by this group. What they failed to highlight is the fact

⁷⁵ The minimum capitalization fund for conventional banks is 25 billion Naira, which was the same sum required for IB or other non-interest banks in the initial legislation. However, the CBN issued a new directive requiring IBs to have a minimum capitalization fund of 10 billion Naira for those with a national coverage, while regional IBs should have 5 billion Naira as capitalization fund.

that governments in these countries did not use any public agency to promote IB; they did not lower requirements for IB and that IB operates as any other bank. Nowhere in the developed economies that the central/reserved bank governor is on the board of Islamic Financial Services as is the Nigerian CBN governor. Were these the case in Nigeria, as it was prior to 2011, the controversy generated by IB would not have arisen. The execution of the IB agenda in Nigeria makes it appear as though it is an Islamic agenda.

IMPLICATIONS OF IB FOR NIGERIA'S UNITY

Nigeria has never been a united country. Though unification of the two former British protectorates of Northern and Southern Nigeria was accomplished with the amalgamation ordinance of 1914, it was not until 1947, following the Richard Constitution that representatives of the two regions sat together for the first time in a united legislative assembly as one country. Between 1914 and 1947, the two regions continued to follow distinct trajectories as before the amalgamation decree which gave birth to the Nigerian State. Developments between 1947 and 1960 were meant to foster a Nigerian nation through deliberate socialization processes. However, mutual distrust and resentment occasioned by the fact of coerced co-existence, as well as the resultant inability to agree on crucial national matters, led to the reification of sectional interests over national ones. All these, built on the colonial foundation of divide and rule, posed a serious challenge to postcolonial Nigeria. As it turned out, the threats were not unfounded as happenings in the immediate post-independence period exhibited a deeply divided country, leading to the civil war. The end of the war did not signal the cessation of ethnic/religious rivalry rather intergroup crises have assumed an alarming dimension as seen in the spate of intergroup conflict.

Nigeria has not been able to effectively manage these challenges. Though there have been several mechanisms, including the institutional framework of federalism, these measures have not been able to uproot the causes of intergroup conflict and unable to promote a united Nigeria. Group identities are accorded greater import than the national identity; while ethnicity for so long defined political association, religious affinities

have recently assumed greater importance in identity formation as religious identity has been at the root of recurrent uprisings, beginning with the Sharia question in 1999 to the Boko Haram Islamic fundamentalism that emerged in 2009.

Nigeria could at best be described as a country at the edge of a precipice; sitting on a keg of gunpowder ready for explosion at the slightest triggering. The introduction of full-scale IB in 2011 and the role played by the CBN pushed the country further down the edge of the precipice. Interreligious tension has been further stoked; while Muslims were ready to go to war to defend IB, Christians were ready to defend themselves against what they called a deliberate but subtle Islamization of the country

DEMOCRACY AND TERRORISM: THE BOKO HARAM INSURGENCY IN NIGERIA

Agaptus Nwozor

INTRODUCTION

Although terrorist activities mounted by the Boko Haram sect since 2009 constitute a major security challenge to Nigeria, religion-induced risings and terrorist attacks are not new phenomena in its national experience. In the 1980s, a group known as the Maitatsine unleashed terror of varying magnitude across northern Nigeria: Kano in 1980, Kaduna and Maiduguri in 1982, Yola in 1984 and Gombe in 1985 (Hickey, 1984; Isichei, 1987; Kastfelt, 1989). However, despite the seeming similarity between the Maitatsine and Boko Haram sects, there are convergences as well as divergences in their ideological underpinnings, goals, and operational modalities. The areas of convergence include: the stigmatization of western culture as having corruptive influence on Islamic values and traditions; the identification of the Nigerian state as their enemy; and the utopian belief in the feasibility of Islamizing and proselytizing Nigeria through force. Also, members of both sects demonstrate the same fanatical devotion to their convictions of birthing an Islamized Nigeria and are audacious in their strategies for actualizing it (Isichei, 1987; Onuoha, 2012a).

The divergences between the Maitatsine and Boko Haram sects are evident in their attitudes and operational modalities. While the Maitatsine sect used uprisings as its route to unleashing terror using a motley of “hatchets, bows and arrows, swords, clubs, dane guns, daggers and other similar dangerous weapons” (Isichei, 1987, p. 197), the Boko Haram

deploys terrorist strategies through bombs and other forms of improvised explosive devices (IEDs) (Danjibo, 2009; Onuoha, 2012b). Additionally, the Boko Haram sect displays open contempt for Nigeria and its constitution and is linked to international terror groups like the al-Qaeda in the Islamic Maghreb (AQIM), Somalia's al-Shabab, and al-Qaeda in the Arabian Peninsula (Sergie & Johnson, 2014; International Crisis Group, 2014).

The concept of terrorism is generally regarded as imprecise and complex, especially because of its multiple and changing meanings (Hoffman, 2006). A study by Schmid and Jongman (1988) identified 109 different definitions of terrorism containing 22 word categories. Since the September 11, 2001 terrorist attacks on the World Trade Centre and the Pentagon, the definitional horizon of terrorism has expanded to 260 definitions (Schmid, 2012). Even within the United States, the various government agencies such as the US State Department, the US Federal Bureau of Investigation (FBI), the Department of Homeland Security, and the US Department of Defence define terrorism differently and within the context of their "priorities and particular interests" (Hoffman, 2006, p. 31). Despite the diversity in the meaning of terrorism, it is used in this chapter as "... the indiscriminate use of violence in order to spread fear and panic among the individuals and societies to shake their confidence in the governments and thus coerce governments and societies to achieve their political objectives" (Sutalan, 2011, p. 1).

Terrorism in contemporary Nigeria is orchestrated by one group, the Boko Haram sect. The group is fighting for the overthrow of the government and the creation an Islamic state despite the provisions of section 10 of the 1999 Nigerian Constitution prohibiting state religion. Since 2009 when Boko Haram embraced terrorism as a tool of self-expression, its methods of attacks and choices of targets have progressively changed. Its methods of attack have transformed from ill-planned, direct confrontation with security agents through the use of crude handmade guns to the deployment of improvised explosive devices (IEDs), vehicle-borne improvised explosive devices (VIEDs) and other forms of sophisticated weapons. Its targets are diverse ranging from institutions of the Nigerian government including military barracks, police headquarters and local police stations, United Nations Office and such soft targets as churches,

schools and individuals. On April 14, 2014, the Boko Haram sect invaded Government Secondary School, Chibok in Borno State and abducted 276 school girls; an action that attracted international condemnation and pledges of solidarity to the Nigerian government. Although 57 of the girls managed to escape from their captors, the fate of the remaining 219 school girls was unknown several months after, even with the pledges of the international community to assist the Nigerian government to rescue them (Okocha & Shiklam, 2014). Despite inaccurate statistics, it is estimated that over 12,000 people have died as a result of Boko Haram's terrorist attacks, with additional 8,000 sustaining varying degrees of injuries (Premium Times, 2014).

The state response to the Boko Haram challenge has been characterised by indecisiveness, which unwittingly emboldened the sect to confront the state. However, the mistrust between local leaders and central government has hampered coordinated action and partly accounts for FG's sluggish response. The declaration of state of emergency and the deployment of security forces to Borno, Yobe and Adamawa states to flush out and annihilate Boko Haram terrorists symbolised a new phase in the fight against the group.

This chapter examines the contemporary manifestation of terrorism under the auspices of the Boko Haram sect. Not only does the chapter debunk any linkage between democracy and the upsurge in terrorism in Nigeria, it denies that democracy, with its inherent rights and freedoms, promotes terrorism. In other words, rather than terrorism being an exclusive feature of contemporary democratic dispensation in Nigeria, it could be safely contended that variants of terrorism existed during the long years of military dictatorships. The standard response of the Nigerian government to terrorism has been the crude deployment of supposedly "superior" force to dislodge terrorists. This chapter contends that the Nigerian government should evolve a self-sustaining mechanism to tackle the threats from terrorism outside the framework of traditional military occupation of the streets. Counterterrorism is a long-drawn operation. The current military model is inadequate. At inception, the military created the impression among its personnel that its counterterrorism operations would be short, swift and decisive. This perception was seemingly based on its possession of superior force. But the resilience of Boko Haram bred

frustration in the rank and file of the military resulting, as Nigeria's Chief of Army Staff admitted, in desertion, indiscipline and cowardly conduct in the face of the sect's murderous attacks.

CONCEPTUAL AND THEORETICAL OVERVIEW

Terrorism is not only an old concept but also a contested concept because of its malleable nature and the penchant of scholars and nation-states to fit it into diverse explanatory models (Hoffman, 2006; Sutan, 2011). Despite the divergence in the various conceptualisations of terrorism, a common thread in their definitions is that terrorism is not a happenstance but a deliberately orchestrated action plan that is motorized by a bouquet of interests. Its objective is the actualisation of these interests by deploying whatever strategic weapon at its disposal. The recurring strategic weapons of terrorism include fear, violence, and threats of violence (Nwolise, 2005; Hoffman, 2006; Sutan, 2011; Celik, 2012). Terrorism rides on the crest of such violent media as kidnapping and hostage-taking, armed and bomb attacks, targeted assassinations and executions, hijacking, and arson and other serious threats to life and property as basis to induce fear in politics (Albert 2005).

There is no universal definition of terrorism. The lack of universal definition of terrorism is mainly due to the divergence in the opinions of scholars, bureaucrats, diplomats and nation-states. This divergence is whether terrorism should be conceived in pejorative or positive terms (Hoffman, 2006). Many states have settled, through their legal systems and code of law, the boundaries of terrorism. Bruce Hoffman opined that the United Kingdom's Terrorist Act 2000 appeared to have influenced the definition of terrorism as contained in the United States Code, Title 8, Section 2331 (18 USC 2331); Canada's Anti-Terrorism Act (Bill C-36) and the Israeli Prevention of Terrorism Ordinance No. 33, all of which see terrorism as the use or threat of the use of violence in whatever form to intimidate, influence or compel the government or any of its institutions, the domestic public or international organisations for the purpose of advancing any cause whether political, religious, ideological or social (Tiefenbrun, 2003; Nwozor 2013). The problem with this characterisation is its haziness about what could be concretely regarded as terrorist attacks.

In other word, does every use or threat of the use of violence qualify to be regarded as terrorism? This question is central to the disputations about the definitional boundaries of terrorism. In addition to the analogy equating terrorism with beauty which is subject to differential interpretations based on the whims and caprices of the beholder (Pogoso 2013), terrorism has acquired international notoriety with consistent and universal negative attributes. Although the United Nations' attempt to formulate a universal definition of terrorism has not materialized, there appears to be an emerging consensus among academic scholars about the constitutive elements of the concept. Schmid (2012, p. 158) renders this consensus on the definitional criteria of terrorism thus:

Terrorism refers, on the one hand, to a doctrine about the presumed effectiveness of a special form or tactic of fear-generating, coercive political violence and, on the other hand, to a conspiratorial practice of calculated, demonstrative, direct violent action without legal or moral restraints, targeting mainly civilians and non-combatants, performed for its propagandistic and psychological effects on various audiences and conflict parties.

Like political violence, terrorism could be a product of frustration, malfunctioning political system, structural injustice, clashes among dominant groups, absence of traditional sources of ventilating socioeconomic and political grievances or a necessary fallout of elite antagonistic relationships (Nwokedi 1994; Obadare 1999). Thus, it will be misleading to contend that a particular system of government is supportive of terrorism or provides a conducive thriving environment for its full expression. Boko Haram's occasional references to political issues, its professed rejection of all forms of secular authority and its insistence on the conversion of Nigeria into a state governed entirely by Sharia legal code led some analysts to impute politics as part of its overall agenda (Waldek & Jayasekara 2011).

As already indicated, terrorism is used in this chapter to denote those acts of violence deployed by the state and non-state actors that are calculated to spread fear and panic among the citizens to achieve two interrelated objectives: to shake their confidence in the capacity of the government to protect them; and, to coerce the government to succumb

to their demands in furtherance of their overall objectives.

Another important concept that requires clarification is “national question”. There is no evidence to suggest that terrorism in Nigeria is linked to democratic rule. On the contrary, the terrorist activities of the Boko Haram could be associated with the crisis of national question emanating from the incapacity of the government to facilitate a bridge in the yawning gap between expectations and delivery of the facilities necessary to meet and assuage these expectations. Nigeria’s national question encapsulates the ensembles of problems and contentions relating to the mechanisms of “evolving a just arrangement for the peaceful coexistence and integrated development of peoples of different, even if otherwise hostile nationalities within the same polity” (Igwe 2002, p. 284). The national question in Nigeria encompasses the critical issues of engendering an egalitarian state where every ethnic and religious group would have a sense of belonging. It also comprises such issues as justice and adherence to the rule of law; mechanisms of peaceful cohabitation in the face of ethnic differentiation and contending faiths; the nature of power distribution; the contentions surrounding national identity and citizenship rights; equitable and fair revenue-sharing formula; relations between tiers of government; means of access to state power and framework guaranteeing access to all ethnic groups; democratic consolidation and electoral reforms; and, structural injustice with regard to local government and state creation (Mustapha 1986; Tenuche 2011; Fayemi 2012).

Some scholars have traced the origin of Boko Haram sect to the early 1990s (Waldek & Jayasekara 2011; Loimeier 2012; Onuoha 2012b). The sect did not utilize terrorist strategies until 2009 when its leader, Mohammed Yusuf and between 800 and 1000 members of the sect were extra-judicially killed by the Nigeria Police. As at 2003, the sect “maintained small-scale ‘hit-and-run’ operations localized in Borno and Yobe states in north-eastern Nigeria” (Nwozor 2013, p. 22). The full-fledged terrorist orientation of the Boko Haram sect and the expansion of targets of its attacks followed its formal declaration of war on the Nigerian state.

Some analysts have correlated the national security challenges in Nigeria to bad governance. Good governance entails that a country’s leadership must rise to the occasion of deploying the powers of the state to promote political, socio-cultural and economic development and engage in, as well

as pursue those agenda that will ensure the greatest good to the people, especially through personal example and sense of responsibility (Achebe 1983; George-Genyi 2013). But good governance does not start and end with the delivery of public goods; it also entails the restructuring of the system to ensure justice for all. Successive bad governance in Nigeria engendered and exacerbated poverty, unemployment and hopelessness. These conditions provided readily available foot soldiers, which political and religious ideologues as well as other criminal elements exploited in threatening national security. Of course, the Boko Haram leaders exploited the privations engendered by bad governance not only in recruiting its members but also in painting a utopian picture of a perfect Islamic Nigeria under the wings of its Salafist-Jihadist ideology. Generally, the various forms of political violence, including terrorism, which threaten national security across Nigeria are not unrelated to bad governance. While in Northern Nigeria, the Boko Haram sect uses the instrument of terror to drive its agenda, in Southern Nigeria, there are several rogue organizations that diversely threaten national security through kidnapping, armed robbery and other forms of economic sabotage.

A fruitful starting point for the construction of a theoretical scaffolding for the Boko Haram terrorist activities is the examination of the structural injustice in the polity, the socio-economic privations, the elite desperation for political power using the instrumentality of ethnicity and religion and perceptions of alienation. All these factors underpinned the emergence of ethnic militias, especially following the annulment of June 12, 1993 presidential election (Ukiwo, 2003; Akinyemi, 2007). This study adopts the instrumental approach. In the context of this approach, violence is seen as intentional instrument of achieving a group's objectives (Crenshaw, 1988). The intention is often to achieve some set goals. The goal of the Boko Haram is the reconfiguration of Nigeria in such a way that it could be Islamized. It relies on relative deprivation created by such negative social processes as poverty, lack of access to education, unemployment and other social deficits for the recruitment of members and sustenance of their loyalties. In other words, the social context is important in unravelling the motivations for individuals to join terrorist organizations. As Borum (2004, p. 27) asserts, terrorism "is not the product of a single decision but the end result of a dialectical process that gradually pushes an individual

toward a commitment to violence over time”.

Although the Boko Haram sect had toyed with the utopian idea of carving out a sharia-governed space within Nigeria, it did not adopt terrorism as its tool until 2009. And it was in reaction to the oppressive government action that included the extrajudicial killing of its leaders and members (Onuoha 2012b). Generally, the affinity between members of a terrorist group is located in their shared powerlessness (Koseli, 2007). This powerlessness is accentuated by government’s inaction in addressing social alienation characterized by lack of access to basic necessities of life. According to Onuoha (2012b), the bulk of the membership of Boko Haram consists of disaffected youths, unemployed graduates, and former *Almajiris*. The class component of terrorism in Nigeria is evident in the admission of President Goodluck Jonathan that sympathizers of Boko Haram are in his administration (Adetayo 2012).

The culpability of democratic governance in Nigeria’s security crisis could be located in government’s seeming lack of political will to tackle the structural injustice that tends to feed aggressive behaviours against the state. Considering the various efforts of the Nigerian government to address the security challenges facing the country, the accusation of lack of political will against it might be considered unfounded. The checklist of such efforts included: the setting up of the Kabiru Tanimu Turaki-led Presidential Committee on Dialogue and Peaceful Resolution of Security Challenges in the North, which submitted its report on 5th November 2013; the declaration of state of emergency in Borno, Yobe and Adamawa states in North-eastern Nigeria; the reorganization of key personnel in the security sector; the creation, in August 2013, of a new 7th Army Division, headquartered in Maiduguri to undertake counter-terrorism operations and more recently, the convocation of National Conference to address all the problems facing the country (Adetayo, 2013; Embu, 2013; International Crisis Group, 2014). But despite these efforts of the government, it has delayed the implementation of the recommendations of the panels it set and those set by non-governmental entities. It was only on Wednesday, 16th July 2014, in the thick of international attention on Nigeria following the intractable Chibok abduction, that the government established a 26-member Victims Support Fund Committee (The Guardian, 2014). The Committee, headed by T.Y. Danjuma, is

envisaged to provide an alleviatory framework to cushion the effects of Boko Haram's terrorist onslaughts. The government has neither granted amnesty to suspected Boko Haram members in the custody of security agencies nor prosecuted them.

Political will does not solely consist of formulating policies or setting up ad hoc commissions, it goes beyond these. Often times in Nigeria, setting up panels had been used by the government as a diversionary tactic to simulate action and thus quieten agitation. Characteristically, lack of political will encompasses government inaction or selective action that does not address the problem frontally. It also includes the non-implementation of recommendations within the context of rule of law.

FROM POLITICAL VIOLENCE TO TERRORISM IN NIGERIA: A HISTORICAL OVERVIEW AND LINKAGES

Apart from the four-year interregnum of 1979-1983, the Nigerian military ruled the country from 1966 to 1999 with a botched democratic transition in 1993. The botched transition, which produced elected officials at the state and local government levels as well as the National Assembly, was on the threshold of concluding the presidential election, when it was annulled by the military regime headed by retired General Ibrahim Babangida (1985-1993).

Prior to the annulment of June 12, 1993 presidential election, the nature of violence in the Nigerian polity consisted of ethno-religious skirmishes, periodic coups d'état, targeted political assassinations, kidnapping, and armed robbery attacks that often left a few deaths in their trails. Terrorism, in its present connotation, was non-existent. What existed were various forms of political, social and religious violence perpetrated by both the government, groups and individuals. While the various armed robbery attacks represented violence at the individual level, the Maitatsine risings and other forms of ethno-religious conflicts across northern Nigeria could be regarded as group-induced violence. Similarly, state-backed violence manifested in attacks on political opponents of the military regimes, a prominent example being the letter-bomb that killed Dele Giwa, a journalist and magazine publisher, in 1986 (Uwazie 1999; Pogoson 2013). Up till today, the assassination of Dele Giwa has remained an unresolved mystery.

The annulment of June 12 election, in a way, could be regarded as the watershed of political violence considering that it resurrected ethnic animosities, rekindled class antagonisms and triggered inter-communal hostility across the country (Obadare 1999; Uwazie 1999; Albert 2005). The ensuing post-annulment violence deviated in many essential ways from the nature, dimensions and traditional manifestations of political violence in Nigeria. At one point, some aggrieved groups like the National Democratic Coalition (NADECO), and the Oodua People's Congress (OPC) among others, took it upon themselves to confront the Nigerian military government. The state retaliated by targeting people it considered antagonistic to its survival. The effect of both scenarios was the intensification of the country's security challenges.

It was at the post-annulment epoch that political violence came to be adopted by both the anti-government groups and the government as a legitimate weapon in the quest to actualize their divergent goals. These divergent goals pitched both groups at each other's throat: at one side, the anti-government groups wanted the revalidation of the annulled election with the implication of overthrowing General Sani Abacha and his regime (1993-1998). At the other side, the Abacha regime engaged in the battle of legitimacy and regime survival and, as such, brooked no opposition. Uwazie (1999, p. 115) properly situates and chronicles the emergence of terrorism on Nigeria's political firmament thus,

The first bomb attack was launched in 1995, during the launching of the Family Support Program (FSP) in Ilorin, killing three people and injuring 50. Since then, there have been more bomb blasts. At least 11 of these blasts occurred in January 1997, and some 16 lives were lost as a result. Property valued at millions of naira was also lost.

The Nigerian government reacted by deploying violence against some identified members of the opposition to the end that some of them ended up being assassinated. Notable among those assassinated during the Abacha military regime included Alfred Rewane and Kudirat Abiola (Uwazie 1999; Ogbondah, 2000; Igbafe & Offiong 2007).

A group, named the Movement for the Advancement of Democracy (MAD) went to the extent of hijacking the Nigeria Airways aircraft, A300,

an action that was unprecedented in the history of Nigeria (Albert 2005; Ogundiya & Amzat 2008). Although the hijackers, led by Jerry Yusuf, later surrendered to law enforcement agents in Niamey, Niger Republic, and were later jailed for eight years, the novelty of the act and the boldness of the hijackers signposted the country's descent to anarchy. This was so because all manner of groups emerged on both sides of the "agitational" divide. And the response of the Abacha regime was the deployment of more violence. Indeed, the penchant of the state to routinely deploy violence against the populace led Albert (2005) to contend that the various bomb explosions during that period were the handiwork of the state.

The above points lead to the following conclusions: One, terrorism is not a new phenomenon in Nigeria's experience. Two, terrorism was as effective a threat during military era as it is in the democratic era. And three, the features of democracy are not amenable to, and do not necessarily sustain terrorism. The contemporary manifestation of terrorism could be periodized to 2009. Prior to 2009, the nature of security threats was mainly political, religious and socio-economic violence.

NIGERIA'S NATIONAL SECURITY IN THE ERA OF DEMOCRATIC GOVERNANCE

When Nigeria's 4th republic was inaugurated in May, 1999, the country was already having issues with national security challenges. The checklist included: political assassinations, proliferation of ethnic-based separatist movements, for example, the Movement for the Actualization of the Sovereign State of Biafra (MASSOB); militant groups, like the Movement for the Emancipation of the Niger Delta (MEND), the Oodua People's Congress and all manner of human rights abuses including extra-judicial killings and the country's unflattering international image.

While the handover of power to a democratically elected government somewhat eased the tension in the polity, the refusal of various ethnic-based militant groups to disband sustained insecurity. Douglas and Ola (2007) have characterized ethnic militancy as resistance politics thrown up by the structural injustice and economic inequity in Nigeria. This position may not be completely correct. Almost every ethnic group in Nigeria alleges marginalization at one point or the other depending on

whether its core elites have access to state resources or not. Thus, while the general discontentment in the polity is sustained by perceptions of injustice, the tenuous security situation is sustained by the manipulation of ethnicity by the ruling elite on the one hand, and the mismanagement of ethnic grievances by the government and its agents, on the other hand.

It is important that a demarcation be made about the origin and expansion in the manifestations of insecurity in post-military Nigeria. Most of the security challenges in the post-military era originated from the military era. But these security challenges became more complex under democratic dispensation due to such factors as unresolved issues surrounding Nigeria's weak structural configuration, high rate of unemployment and deepening poverty that created a pool of ready army of youths, misdiagnosis of the drivers and triggers of insecurity and ineffective security strategies deployed by the state (Akinyemi 2007; Babawale 2007; Mustapha 1986; Fayemi 2012).

As has already been noted, the deterioration in the security situation in Nigeria is not an indictment on democracy per se but rather on political leadership and policy somersaults that undermine the resolution of the national question. The post-military administration of President Olusegun Obasanjo (1999–2007) set up several commissions to address the national question but ended up compounding it. For instance, it set up the Human Rights Violations Investigation Commission (HRVIC) headed by the late Justice Chukwudifu Oputa in 1999 to address issues of injustice promoted and sustained by the repressiveness of military authoritarianism.

Prior to the inauguration of the HRVIC, popularly known as the Oputa Panel, Yusuf (2007, p. 269) observes that Nigerian people had, under successive military regimes, “suffered repression, state-sponsored murder, restrictions on civil liberties and other forms of human rights violations at the hands of security agents, the military and the police”. The Oputa panel was, therefore, conceived as a platform for aggrieved Nigerians and ethnic nationalities to ventilate their anger. This was necessary to facilitate national healing and, thus, promote national reconciliation. The ineffectiveness of the Oputa Panel to achieve national reconciliation in the scale expected of it by Nigerians originated from such pitfalls as shaky legal foundations; exploitation of legal loopholes by past military Heads

of State and their security chiefs to exempt themselves from appearing before the Commission; inability of the Commission to address all the petitions brought before it due to time frame: out of 10,000 petitions, the Commission treated only 200; and, lack of sincerity on the part of the initiating regime (Yusuf 2007; Aina 2010). The insincerity of the Obasanjo government was demonstrated by its refusal to publish or implement the Oputa Panel Report even when the report was hailed as thorough, profound and painstakingly packaged (The Guardian, 2004).

Another failed attempt of the Nigerian government under Obasanjo to address the structural injustice in the polity was the convocation of the National Political Reform Conference (NPRC) in lieu of agitations by civil society organisations for a Sovereign National Conference to address the national question. The demand for a national conference, especially one that would have the force of law, has been part and parcel of the agenda of civil society and pro-democracy groups since the military regime of Babangida but became more strident following several developments in Nigeria, namely the annulment of the June 12 1993 presidential election; the emergence of ethnic-based militias; skewness in revenue allocation from the Federation Account; the violent activities of militant groups in the Niger Delta and general insecurity in the country (Tenuche 2011; Paden 2008; Ikeji et al 2012). The NPRC headed by Justice Niki Tobi was inaugurated on 21st February, 2005 to deliberate on wide-ranging issues with only two “no-go areas”, namely, Nigerian unity and federalism.

Essentially, the NPRC was conceived as a forum to address the national question. However, the NPRC ended dramatically producing both majority and minority reports. The area that defied consensus and which led to the walk-out of South-South delegates and the unceremonious winding-up of the conference was the percentage to be set aside as derivation for oil-producing states. The oil-producing states considered the 13 percent derivation provided in the 1999 Nigerian Constitution as inadequate mainly because of two reasons: the centrality of oil in the country's economy; and the negative fallouts of oil-production activities and their impact on their environment. Because of the monocultural nature of the economy with its reliance on oil wealth, almost every sections of the country came to the conference with preconceived position about the extent of concession they could make on the issue, thus making

compromise problematic.

The hard-line position taken by almost every geo-political zone on the issue of revenue sharing formula for the country, especially on derivative principle, showed that they were not thinking outside the box. The demand of 50 percent by the South-South delegation was based on the argument that it was the recommended formula in the 1963 constitution. The 17 percent concession made by the conference equally lost sight of the antecedent of revenue sharing formula prior to 1966 in Nigeria, the devastative effects of oil exploitation and the Niger Delta youth restiveness, which was a product of general perception of injustice (Obi 2003; Paden 2008; Ikeji et al 2012). In the end neither the 50 percent demanded by the South-South delegation nor the 17 percent which other parts of the country conceded, and reflected as the position of the conference, worked. The reason was that Obasanjo asphyxiated the attempt to reinvent the country with a personal ambition of tenure elongation that backfired. Although the conference reached agreement on almost all the issues it dealt with, it failed to reach a consensus on issues of derivation/resource control and political tenureship for executive positions.

Part of the problem of security governance in Nigeria is that the country's security system operates from a realist theoretical prism that interprets security threats as synonymous to threats against the state and therefore responds in the context of deploying superior counteracting force. Nigeria's security environment is characterised by perennial ethno-religious crises, hostage-taking, kidnap-for-ransom, sea piracy, electoral violence, political assassinations, and poverty. These drivers and triggers of insecurity have always been there but have, in contemporary era, expanded in their intensity and effect on the polity, thus creating pessimistic projections about a possible disintegration of the country in no distant future (Ajaegbu 2012; Nwozor 2013).

The pattern in the manifestation of insecurity is that the major drivers unfold in phases. At a point under the present democratic dispensation, the major cause of ethno-religious crises was the sharia legal system which was enacted by 12 northern governors as part of a deliberate attempt to de-secularise the country. This move created tension in the polity as it led to protests and clashes that pitched the adherents of Christianity and Islam against each other resulting in thousands of casualties. Human

Rights Watch (2003, p. 4) asserts,

In February and May 2000, in some of the most serious intercommunal violence that Nigeria has seen in recent years, at least 2,000 people, and possibly many more, were killed in fighting between Christians and Muslims in Kaduna. Some commentators have described the 2000 Kaduna riots as the single worst outbreak of violence in Nigeria since the 1967-70 civil war.

Sharia-induced crises had domino effects as they were replicated in quick succession across northern states. The dispersion of crises followed the pattern of sharia adoption across the northern region: following sharia adoption by Zamfara state, other northern states followed suit (Nmehielle 2004). The sharia politics was a northern elite's plot to create political tension and diminish the attraction of power, which was essentially targeted at discouraging elongated power domiciliation in Southern Nigeria. As Mazrui (2013:np) assert, "the Sharia movement was a cultural assertion by Northern elites at the state level to compensate for their political decline at the federal level". However, this kind of "cultural assertion" had far-reaching negative effects on Nigeria's security. It spawned crises which also elicited reprisal attacks in Southern Nigeria with a cyclical effect that compounded the security situation in the country.

The period heralding the first post-military elections in 2003 witnessed a spate of political assassinations, which raised serious question marks about the survival of democracy in Nigeria. One of the most shocking political assassinations was that of the former Minister of Justice and Attorney-General of the Federation, Chief Bola Ige. The ensuing flurry of assassinations was not located at one section of the country. It was more or less a national problem. The comment of a former special adviser to Obasanjo, Catherine Acholonu, on the spate of political assassinations was quite revealing. According to her,

As 2003 draws nearer, politicians are becoming restless and reports of violence are on the increase as each aspirant struggles to impose himself on the electorate... . We are hearing of guns and ammunitions being imported into the country by politicians who use armed robbers and

cultists to silence their opponents (cited in IRIN 2002:np).

The long list of assassinated politicians and other professionals is indicative of three things: one, that the inefficiency of the security apparatuses makes it convenient for assassinations to continue. It is obvious that the masterminds of assassinations ride on the crass inefficiency of the security system to perpetrate their acts; two, the disconnect between rhetoric and action emboldens the forces behind these political assassinations. After each assassination, government agents and the spokespersons of security agencies ritually banded empty promises to the effect that they would bring the assassins to book. However, one common thread in all the political assassinations in Nigeria is that none of the cases has been solved (Igbafe & Offiong 2007). The inability of the security agencies to solve the killings has emboldened the culture of impunity with spiral effect on national security (The Tide 2010). And finally, political assassinations across the country re-emphasize the continued primacy of desperation in the acquisition of state power. Political assassinations target political opponents that could diminish chances of electoral victory. What all this means is that political contests are akin to war and, as such, assassination is fair insofar as it contributes to the facilitation of the emergence of the ultimate victor.

The emergence of the Boko Haram as a terrorist group in the north coincided with the evolvement of kidnap-for-ransom in the South. Generally, prior to the resurgence of kidnapping as a business, it was associated with wealth-oriented secret societies, untouchable secret sorcery societies, and “419” fraud syndicates (Ebbe 2012, p. 183). In the course of the Niger Delta militant activities, kidnapping was originally employed as an instrument of violence to induce fear in the oil companies as well as the foreign oil workers to force the curtailment of their oil production, but it was soon converted into a money-making machine (Olaleye *et al* 2012). According to available data, between 1992 and 1997, less than five people per year were kidnapped in Nigeria. By 1999 there were 24 cases and by 2010, the figure had astronomically increased. Nigeria’s former Inspector General of Police (IGP), Ogbonna Onovo, asserted that between 2008 and 2010, there were 887 cases of kidnapping with almost all the cases involving ransom demands (Ebbe 2012; Olaleye *et al* 2012). Kidnapping

exploited the weak operational and intelligence capabilities of Nigeria's security agencies.

FROM SHARIA TO TERRORISM: PROFILING THE BOKO HARAM SECT

The strength of Nigeria ought to lie in its multinational, multilingual, and multi-religious character. But that does not appear to be so. These factors tend to constitute its Achilles' heels. The federal system was designed to absorb the centrifugal forces ordinarily inherent in such plural states. However, federalism has not succeeded in dousing tension in the country. Ethnic relations in Nigeria are still characterized by mutual suspicion. Every act by people in government is interpreted as targeting the achievement of some ethno-religious agenda. Therefore, any government agenda interpreted as, or suggestive of, conferring superiority on a particular ethnic group is simply an invitation to anarchy except it has constitutional basis. For example, section 55 of the 1999 Constitution of the Federal Republic of Nigeria recognizes three Nigerian languages of Hausa, Igbo and Yoruba as business languages of the National Assembly but their usage is subject to adequate arrangement being made for their interpretation. However, none of these languages has been used by any of the two Chambers of the National Assembly. In contrast, section 10 of the Nigerian Constitution is unequivocal about state religion. It specifically provides that "the government of the Federation or of a State shall not adopt any religion as state Religion".

Despite the unambiguous position of the country's constitution regarding state religion, Ahmed Yerima, former governor of Zamfara state adopted sharia legal code in 2000. Sharia legal code derives its essence from the Koran and is principally for the regulation of all issues pertaining to Islamic personal law. Thus, the adoption of sharia by 12 northern governors was a formal declaration of Islam as their states' religion. Even before the wave of sharia adoption in the early 2000s, the place of sharia in northern Nigeria was not in doubt as it had been operational since the entrenchment of Islam (Iwobi 2004). Prior to 2000, sharia had traditionally applied to personal and domestic law. But the reinvention of sharia extended its traditional boundaries to include criminal law and other areas that it had

not previously regulated (Human Rights Watch 2003). Nmehielle (2004, p. 732-3) outlines the implication of sharia implementation thus,

The result of the full implementation of Sharia law in these states has been the imposition of sentences that are either more severe than are provided for under the Penal Code, or not provided for at all, and the establishment of offences that are not found in any penal law in Nigeria. For example, adultery now carries the penalty of death by stoning instead of two years imprisonment, fine, or both under the Penal Code; the penalty for apostasy, which has never been an offence in Nigeria, is also death; in the case of theft or stealing a limb may be cut from the body.

Despite the seeming religious thrust of sharia, it also had political intonations which were geared towards achieving two objectives, namely, to create tension in the polity as a pre-condition for recapturing political power; and, to use it as a platform to entrench themselves in the limelight which is necessary to remain relevant politically (Mazrui 2012; Human Rights Watch 2003). This parochial political permutation laid the foundation for the present insecurity in northern Nigeria. Most of the religious riots, which took place in Nigeria from 2001 upwards, could be linked to the enactment of sharia legal system by northern governors (Sampson 2012). Sharia raised insecurity to an all-time high as Christians and Moslems fought for religious freedom and against religious subjugation respectively.

It might not be out of place to contend that the Boko Haram challenge is a remote product of the unwillingness of the federal government to seek judicial interpretation of section 10 of the constitution, which prohibits state religion. The unchallenged adoption and implementation of sharia across 12 northern states underpinned the quest of Boko Haram to replicate same across the 36 states of the country. Thus, the Boko Haram sect emerged as a reaction to the manner in which sharia was implemented and its failure to meet the low watermark of expectations (Alozieuwa 2012; Copeland 2013). What this implies is that Boko Haram personifies an organizational platform to drive a new jihadist campaign in Nigeria.

Although there are various versions of the origin of Boko Haram, there is a near- general agreement in literature that Boko Haram had existed

before its full-fledged terrorist debut and subsequent terrorist activities (Waldek & Jayasekara 2011; Loimeier 2012; Onuoha 2012b; Bagaji et al 2012; Maiangwa & Uzodike 2012). However, it did not originally start off as Boko Haram but as *Ahlulsunna wal'jama'ah hijra* sect from the University of Maduigiri, Borno State. Some scholars assert that a splinter of this group (Walker 2012), while others say the whole group (Onuoha 2012b) metamorphosed into Boko Haram.

A point to note is that the *Ahlulsunna wal'jama'ah hijra* sect was not originally founded to pursue an Islamisation agenda but rather to pursue the religious goal of disseminating its own variants of Islam with a social agenda of drawing government's attention to the economic hardship and poor living standard of the people (Connell 2012). In fact, Boko Haram was not the name the group called itself; rather it was employed to describe it because of its strong disparagement of western education. It prefers to be addressed as *Jama'atul Ahlissunnah lidda.awati wal Jihad* (People Committed to the Propagation of the Prophet's Teachings and Jihad) (Waldek & Jayasekara 2011; Onuoha 2012b).

Onuoha (2012b) periodizes the radicalisation of the group and the emergence of Boko Haram to 2002 when Mohammed Yusuf assumed the headship of the sect and its name changed variously until Boko Haram stuck. Three contradictory strands of the ideological thrusts of Boko Haram exist. One, the Boko Haram aims at carving out a utopian enclave that would be ideologically different from the principles of a democratic secular government. As Onuoha (2012b, p. 3) puts it,

The Boko Haram under Yusuf's leadership strove for self-exclusion of its members from the mainstream corrupt society by living in areas outside or far away from society in order to intellectualise and radicalise the revolutionary process that would ultimately lead to violent overthrow of the Nigerian state.

The second strand is that Boko Haram intends to remodel Nigeria by cleansing it of corrupt leaders and creating a pure Islamic state ruled by sharia law (Walker 2012). And the third strand flows from the preceding and means that its pursuit would translate to religious genocide of Christians, bearing in mind that the Boko Haram insurgency is “substantially

a declaration of hostility towards Christianity and aspects of Western civilization” (Mazrui 2012).

THE BOKO HARAM INSURGENCY: THE MENACE, TACTICS AND STATE RESPONSES

Boko Haram’s descent into terrorism was gradual. As has already been emphasized, at the time Mohammed Yusuf, who was generally regarded as a fiery preacher, took over the leadership of the Islamic group that transformed into Boko Haram, it was a non-violent movement. Yusuf spearheaded the process that laid the groundwork for the radicalisation that created the present-day group known as Boko Haram. The menace of the group consisted in its emphasis on orthodox Islam; the renunciation of the position of mainstream Islamic teachings and the quest for the Islamisation of the country (Maiangwa & Uzodike 2012; Onuoha 2012b).

Between 2002 and 2004, the Boko Haram sect operated a low-profile status, deploying its energy to carving an identity for itself. The fodder for the building of the sect was the *almajiri* system that is operational in northern Nigeria. The term *almajiri* is derived from the Arabic term *almuhajir*, meaning “the person who migrates” (Loimeier 2012). In northern Nigeria, the *almajiri* system is as old as Islam because of the emphasis on Islamic knowledge and education as well as the itinerant nature of acquiring it. Under this system, young Moslem students move from teacher to teacher to acquire knowledge. Because of lack of formalisation of these Qur’anic schools owing to their innumerability and extreme personalisation, they do not receive adequate institutional support and, therefore, rely on individual benevolence (*zakat*) for their sustenance. As a result, most of the Qur’anic schools and their students rely on direct alms for their sustenance. The effect of this is that these students live in destitution and constitute easy prey for recruitment into radical and rogue groups as well as veritable tools of violence (Onuoha 2012b; Loimeier 2012).

The history of religious conflicts and violence in northern Nigeria cannot be recounted without mentioning the pivotal role of *almajiris* in driving them. The *almajiris* played important role in the Maitatsine uprising in the 1980s as they constituted its foot soldiers (Hiskett 1987; Loimeier 2012). In the same vein, the *almajiri* system with an

impressively potential army of 9.5 million youths based on 2010 data provided a pool from which the Boko Haram sect populated its army (Onuoha 2012b).

The thrust of Boko Haram's religious and ideological belief is ambivalently demonstrated by its initial emphasis on de-linking from the society (*hegira*) owing to corruption, and actual retreat from Maiduguri in Borno State to its own "haven" located in Kanama, Yobe State. The Boko Haram settlement was run on hard-line Islamic principles of sharia. The then leader of Boko Haram, Mohammed Ali, "espoused antistate ideology and called on other Muslims to join the group and return to a life under 'true' Islamic law, with the aim of making a more perfect society away from the corrupt establishment" (Walker, 2012, p. 3) The retreat was not to work as a clash between the sect and the host community brought critical attention on them leading to active state crackdown.

It was from this time onwards that Nigeria's security agencies paid more than cursory attention to their affairs. This attention also resulted in resistance from the sect and laid the foundation that facilitated its reinvention and transformation into a violent organisation.

Waldek & Jayasekara (2011) assert that "it was from these fighters fleeing into Maiduguri that Mohammed Yusuf is thought to have developed the Boko Haram. Yusuf built the Boko Haram into what it is today. Onuoha (2012b) chronicles that between 2004 and 2009, the sect engaged in myriad of small time hit-and-run violence, which was to assume a larger-than-life scale in 2009 when Yusuf and about 1000 members of his sect were extra-judicially executed.

The tactics of Boko Haram in sustaining and expanding itself were quite different from the tactics of Maitatsine. The origin of Boko Haram is not traceable to one man on a mission for a religious revolution. Rather it was rooted in collegiality having taken off from a group of Moslems at the University of Maiduguri Mosque (Onuoha 2012b). Thus, despite the reversals it suffered necessitating the changes in its name, its collegial structure remained intact even when Muhammed Yusuf was projected as its leader. The strategic mistake the Nigeria Police and other security agencies made was the conclusion that the sect was a one-man show. That singular erroneous conclusion based on doubtful intelligence report underpinned the assassination of Yusuf and his supporters in police custody. The naive

calculation of the Police was that the elimination of Yusuf would mean the end of the sect just like the killing of Mohammed Marwa ended the Maitatsine menace in the 1980s. But they had it all wrongly figured out as demonstrated by the sustained terrorist attacks orchestrated by Boko Haram ever since.

It is naive to suggest that the Boko Haram insurgency is purely a religious affair, concerned only with the Islamisation of the country and lacks any political agenda (Copeland 2012; Loimeier 2012). The very idea of overthrowing the Nigerian state to erect in its stead, a corrupt-free and Islamic federation is implicitly political. But beyond this general and sweeping allusion, Boko Haram, whether wittingly or unwittingly, has come to fill a hiatus in the political matrix of the north to reclaim power (Mazrui 2012). The various terrorist attacks associated with the group have served the purpose of keeping the northern politicians in the public eye as they pretend to seek for solution to the menace.

There have been speculations linking the Boko Haram with such other terrorist organisations as Algeria's Salafist Group for Preaching and Combat (GSPC), Tablighi clerics from Pakistan, and Wahabist missionaries from Saudi Arabia (Bagaji et al 2012). But it has established that Boko Haram is linked to the al-Qaeda in the Islamic Maghreb (AQIM), Somalia's al-Shabab, and al-Qaeda in the Arabian Peninsula (Sergie & Johnson, 2014; International Crisis Group, 2014; Karmon, 2014). What this implies is that the funding of Boko Haram is both internally and externally generated. The sect's internal sources of finance consist of membership dues and donations from sympathetic politicians and other professionals as well as bank robberies (Waldek & Jayasekara, 2011; Onuoha, 2012b). But, going by the revelation of Nigeria's president, Goodluck Jonathan that every segment of his administration, ranging from the executive, legislative and judicial arms of government to the police and armed forces, had been infiltrated by the sect (Adetayo 2012), it could be contended that these constituted the major sources of the sect's internal financing and the reason for its seemingly inexhaustible war chest. The external sources of finance and strategic support are from their international collaborators.

Since the Boko Haram sect declared war on the Nigerian government and people by adopting terrorist strategies, it has targeted and attacked

the United Nations Office in Abuja, state facilities, churches, schools and individuals with uncommon success. Onuoha (2012b) estimates that between 2009 and January 2012 Boko Haram carried out over 160 separate attacks on diverse targets. Since 2012 its attacks have become countless resulting in the destruction of over 900 schools and death of 176 teachers in Borno state alone (Onuba, 2014). The tactics adopted by Boko Haram are multidimensional and calculated to instil fear and deepen tension in the polity. Their attacks are ostensibly designed to achieve varied objectives. For instance, the attacks on government institutions, police and military barracks as well as the police headquarters had two interrelated effects: it demystified the state and its capability to tackle the sect; and, it eroded public confidence in state security apparatuses, thus strengthening the public perception of their invincibility. The August 26 2011 attack on the United Nations building, which killed over 23 people and wounded as much as 80 others, was calculated to internationalize their activities (Onuoha 2012b; Copeland 2013). Similarly, the various attacks on churches and schools were calculated to deepen national insecurity by drawing Christians into the fray.

The strategies adopted by Boko Haram progressively improved from poorly planned and executed confrontation with state security agencies to the use of improvised explosive devices (IEDs), vehicle-borne improvised explosive devices (VIEDs), locally made hand weapons, hit-and-run attacks, targeted assassinations, and suicide bombings. The weapons of choice used by Boko Haram are IEDs and VIEDs. While most of their attacks, especially those on police and military barracks were achieved through IEDs, those on the Nigeria Police and United Nations headquarters used VIEDs to wreak havoc.

The Nigerian government has muddled through in its responses to the terrorist activities of Boko Haram ranging from propaganda, military actions, consultations with traditional rulers and the northern oligarchic institutions, and political solution exemplified by the offer of amnesty. However, the core of its responses consists of deploying superior force under the auspices of the Joint Task Force (JTF). In other words, the JTF represents the arrowhead of state responses against the terrorist activities of Boko Haram. The JTF, which is made up of a crack team of security personnel drawn from the military, police, state security services

and other relevant security agencies, is mandated to stop the activities of Boko Haram. The JTF has been severely criticised for its high-handedness and human rights abuses (Copeland 2013). The government has also used the political weapon of imposition of curfew and declaration of state of emergency to undermine Boko Haram's stronghold and position the JTF for the complete routing of the sect.

POSTSCRIPT: THE BOKO HARAM, PEACE PROCESS AND THE FUTURE OF THE NIGERIAN STATE

The Boko Haram challenge has severely undermined Nigeria's sovereignty and tested its democratic credentials. The fact that Boko Haram's ideology is patently adversarial to other religions, including moderate Islam, and the secular nature on Nigeria's political setup, its attacks have known no bounds. The tension generated by the sect has had reverberative effect across the country. Undoubtedly, the threats from Boko Haram constitute the greatest national security challenge to Nigeria especially with the general elections and the prediction of the country's integration coinciding in 2015.

In fairness to the Federal Government, it has consistently demonstrated its preparedness to pursue political solution to the Boko Haram problem. The seeming ambivalence of President Goodluck Jonathan to tackle the Boko Haram challenge attracted criticisms from many Nigerians (Copeland 2013). The olive branch extended by the state, in the form of amnesty, was spurned by the sect with a sarcastic boast that it was the federal government that needed its amnesty and not the other way round (Vanguard, 12 April 2013). The eventual capitulation of the federal government had been preceded by the insistence of President Jonathan that it would not grant amnesty to the group. At a stakeholders' meeting at the Government House, Damaturu, Yobe State during his one-day working visit to the State, President Jonathan was quoted as saying, "you cannot declare amnesty for ghosts. Boko Haram is still operating as a ghost. You don't see the person. I am from the Niger Delta and I know the amnesty that has been declared by the President while I was the vice president... . For you to declare amnesty, you must be communicating with people. You cannot declare amnesty for people that are operating under a veil"

(Akhaine & Musa 2013:np).

The amnesty initiative of the government was designed to reintegrate the membership of Boko Haram into the mainstream of Nigerian society based on the condition of denouncing violence as a means of drawing attention to their grievances. The government set up the Presidential Committee on Dialogue and Peaceful Resolution of Security Challenges in the North to undertake this task. The Guardian (2013) identifies the task of the committee to include the development of a structure for disarmament, work out an enduring framework to anchor the basis for granting amnesty which would include a comprehensive programme for the rehabilitation of the membership of the sect as well as dig out the root causes of the crisis to avert future security breaches in the country. The task of the Committee was generally difficult as a result of the seeming facelessness of the sect and the possibility of a decentralized Boko Haram. For instance, on July 8, 2013, the Chairman of the Presidential Committee, Kabiru Tanimu Turaki, told the world through the Hausa service programme of Radio France International that the Federal Government had secured a ceasefire deal with the sect. But this was immediately debunked by the Boko Haram leader, Abubakar Shekau, who was quoted as saying, "let me assure you that we will not enter into any truce with these infidels. We will not enter into any truce with the Nigerian government" (Ndujihe, Akinrefon & Binniyat, 2013:np).

The continued terrorist attacks of the Boko Haram sect in total defiance of the amnesty programme planned by President Jonathan elicited an all-out military action against the sect in north-eastern Nigeria. The federal government declared a state of emergency in three states, namely Borno, Yobe and Adamawa states. This legitimized military actions as it empowered the military to dislodge the sect decisively. President Jonathan had, in a nation-wide broadcast, declared that his government would leave no stone unturned in bringing the terrorists to book. As he told Nigerians,

I have received detailed briefings from our security agencies. These briefings indicate that what we are facing is not just militancy or criminality, but a rebellion and insurgency by terrorist groups which pose a very serious threat to national unity and territorial integrity. Already, some northern parts of Borno state have been taken over by groups whose

allegiance is to different flags and ideologies. These terrorists and insurgents seem determined to establish control and authority over parts of our beloved nation and to progressively overwhelm the rest of the country. In many places, they have destroyed the Nigerian flag and other symbols of state authority and in their place, hoisted strange flags suggesting the exercise of alternative sovereignty. They have attacked government buildings and facilities. They have murdered innocent citizens and state officials. They have set houses ablaze, and taken women and children as hostages. These actions amount to a declaration of war and a deliberate attempt to undermine the authority of the Nigerian state and threaten her territorial integrity. As a responsible government, we will not tolerate this (Jonathan 2013:np).

The May 14th 2013 broadcast opened a new chapter in the war against Boko Haram. The declaration of state of emergency was an open acknowledgement by the federal government about the tenuous security situation in the north-east, courtesy of Boko Haram. But the implication is far-reaching: it meant the militarization of these three states; based on the presidential averment that “the troops and other security agencies involved in these operations have orders to take all necessary action, within the ambit of their rules of engagement, to put an end to the impunity of insurgents and terrorists” (Jonathan 2013:np), the declaration approximated to war with its many abridgements of rights; and lastly, the declaration gave the military a *carte blanche* to bring the situation under control.

Even though the first three months of military expeditions in the three states under the state of emergency recorded uncommon success, especially with the destruction of the sect’s main command facilities, military expeditions of this nature cannot be sustained beyond a certain period. The pertinent question is what form of permanent solution is being evolved to handle the Boko Haram terrorism? The military spokesman and Director of Defence Information (DDI), Chris Olukolade, a Brigadier-General, assured Nigerians in a self-evaluation of their campaign that over 1000 members of the sect had been captured as well as the capability of the sect to wreak havoc severely undermined (Iroegbu 2013).

As encouraging as the piece of intelligence about military exploits in Borno, Yobe and Adamawa states was, the lack of data on the membership

strength of Boko Haram to enable an evaluation of the relationship between this number and its overall strength made it difficult to make any serious assumptions about whether the capacity of Boko Haram is waning or likely to wane. The same point applied to the sect's weaponry, especially with regard to the source and processes of procurement as well as chains of distribution. An unemphatic annihilation of the sect, including the permanent dismantling of its command and control capabilities is the only way to eliminate its threat to the Nigerian state.

The future of Nigeria as a united state lies in the satisfactory elimination of the threats of terrorism posed by Boko Haram. Conventional military strategies have limitations in dislodging terrorists, especially if they are coterminous to, or entrenched in, a particular base or locality. The resort of Boko Haram to soft targets as demonstrated by the shooting to death of 44 worshippers in a mosque and another 12 people in Ngom village in the nearby Mafa district in Borno state between August 9 and 10, 2013 was an indicator that the government should not conceptualize the fight against terrorism as short-term but rather as a long-term project (The Nation, 2013). Similarly, the unrelenting attacks of Boko Haram on diverse targets, especially the abduction of 219 school girls from a secondary school in Chibok, Borno State and the inability of law enforcement agencies to rescue them, several months later, point to a long-term war against terrorism in Nigeria.

CONCLUSION

There is no doubt that the Boko Haram terrorist onslaught is the most serious security challenge facing Nigeria since its 1967-1970 civil war. The activities of Boko Haram have placed Nigeria on the map of terrorism; not as a sponsor but a playground of terrorists. Despite all the counter-offensive actions of the government ranging from the declaration of state of emergency to the deployment of the military under the JTF and later, the newly created 7th Army Division, the Boko Haram has continued to execute a spate of attacks. The seeming intractability of the Boko Haram terrorist challenge is rooted in the initial vacillation of the government both in addressing the legitimate concern of the group and in deploying serious counter-terrorism measures. The indecisiveness

of the government underscored the bold attacks carried out by the sect on important government institutions including the police headquarters, police and military barracks and the United Nations building in Abuja.

Although the terrorist attacks of Boko Haram have not adversely affected Nigeria's democracy as to pose a danger to its survival it has coloured international perception of the country. On November 14, 2013, the Boko Haram was designated by the United States Department of State as a foreign terrorist organization (FTO). As acknowledge by the United States Department of State (2014:266), "FTO designations play a critical role in the fight against terrorism and are an effective means of curtailing support for terrorist activities".

The major task confronting the Nigerian state is to evolve a self-sustaining mechanism to tackle the Boko Haram threats. It is clear that the military expeditions despatched by the government to de-escalate the increasing boldness of the sect and defeat it is not succeeding. If anything, there is a steep rise in the audaciousness of the sect. The soldiers were there when the sect abducted 219 school girls from a secondary school in Chibok and fled to Sambisa Forest as well as engaged in sundry attacks. The unfeasibility of prolonged military occupation is evident in its operational lapses that gave room to a spate of attacks as well as the admission by the Chief of Army Staff, KTJ Minimah that Army is dogged in its war against terrorism by desertion, acts of cowardice and indiscipline (Omonobi, 2014).

Although the setting up the Victims Support Fund Committee to cushion the effects of terrorism on Nigerians is in the right direction, the Nigerian government needs to do more. It needs to open up new channels of dialogue with the sect and aggrieved northern elites. In addition, it should fashion out a people-oriented platform for grassroots management of internal security in collaboration with security agencies. The government should also commence the process of reversing the structural injustice in the system that provides the basis for the mobilization and indoctrination of the youths to less than noble ideals.

DEMOCRACY AND ETHNIC MILITANCY IN NIGERIA

Ola Abegunde

BACKGROUND OF THE STUDY

Nigeria is the most populous black nation on earth with over 150 million people from different ethnic units. Ethnic nationalities in the country are over 400 autonomous units, with diverse cultures, languages and interests. The entity now recognized as Nigeria was a creation of British colonial masters through the 1914 amalgamation of the northern protectorate dominated by the Muslim Hausa/Fulani and the southern protectorate predominated by the Christian Yoruba and Igbo. In addition to this, "Nigeria is an amalgam of ancient kingdoms, caliphates, empires and city-States with a long history of organized and autonomous societies. Its boundaries were drawn as a result of trade determined by its resource endowments and colonial administrators" (http://www.ng.total.com/01_about_nigeria/0103_history.htm). It is important to note that prior to the colonial occupation of Nigeria, the ethnic groups had peacefully co-existed by respecting one another's sovereignty.

Nigeria was under colonial authority till 1st October 1960 when it gained political independence. In the preparation for independence, the three major political parties that emerged were ethnically based. Shortly after independence, the history of the country became plagued by coups and counter-coups; religious, political and ethnic violent conflicts; incompetent and corrupt governance, all of which cumulated in a civil war between 1967 and 1970. As a result of bad leadership, Nigeria spent most of its self-rule under military administration than under civil administration,

thereby banishing democracy and democratic values, standards and principles for a long time. In January 1966 a group of mainly Ibo army officers overthrew the Nigeria government. General Ironsi foiled the coup and took over control of the government and cancelled the federal system of government that allowed the regions self-determination. He replaced it with a unitary government and installed Ibo elements at the helms of federal government affairs. In July of the same year, northern elements staged a counter-coup against the central government. This led to the killing of the head of state, General Johnson Aguiyi-Ironsi, and Lt-Colonel Yakubu Gowon was appointed head of the new military government.

In 1967, Gowon split the existing regions in the country into 12 states, but he himself was toppled by General Murtala Mohammed in 1975. Mohammed was assassinated in an attempted coup in 1976, paving the way for General Obasanjo to assume the mantle of national leadership until 1979 when he returned the country to civil rule under the leadership of Alhaji Shehu Shagari. Barely four years into the Second Republic there was another military coup in 1983 led by northern elements, and it brought the republic to an end. The country remained under military rule till 1999, when the current civil rule came to being. It is important to note that several failed attempts were made to institute a third republic before 1999 by both General Ibrahim Badamosi Babangida and General Sani Abacha. In a nationwide broadcast, the military government of General Abdulsalam Abubakar, who took over after the death of General Sani Abacha, lifted the ban on political activities for political actors to actively participate in the preparations for the advent of the Fourth Republic. Based on this, political activities began with three major political parties (Alliance for Democracy (AD) All Peoples Party (APP) and Peoples Democratic Party (PDP)) contesting the 1999 elections. The parties were at best regional parties, but PDP had a fairly national outlook.

This chapter takes a look at the history of democracy in Nigeria within a conceptual framework, examines the ethnic disposition of the political parties, scrutinizes militancy in Nigerian politics and the future of Nigeria democracy, examines the implication of ethnic militias for national integration, presents recommendations that can positively impact on the nation's politics, and draw a conclusion.

DEMOCRACY IN NIGERIA

Democracy is as old as documented history, but historians and scholars always give tribute to Greek city-state for its advent. Democracy is derived from two Greek words - “demos” which means “the people” and “kratos” meaning “rule” or “government”. Combined, the two words literally mean “governance by the people,” which is the universal meaning given to democracy today. The history of democracy in the entity known as Nigeria predates the 1914 amalgamation of the northern and southern protectorates in that the various autonomous units had established processes of leadership selection peculiar to each of them. The outcome of the process whenever there was need for leadership selection was always acceptable to all concerned parties. Monarchy was the indigenous system of administration in the pre-colonial socio-political formations. The various autonomous units were patterned in the form of ancient empires and kingdoms. A single kingdom could consist of people from different languages, religions, cultures and ethnic origins.

The introduction of the elective principle by the Clifford Constitution on June 24, 1923 influenced the establishment of the Nigerian National Democratic Party (NNDP) as the first political party. This was established under the leadership of Herbert Macaulay, but its activities were restricted to contesting elections for Lagos City Council only. The success of NNDP in all the elective positions in Lagos led to the formation of Lagos Youth Movement (LYM) which later changed to the Nigerian Youth Movement (NYM) to give the party a national outlook.

The domination of NNDP in elective positions for years in Nigeria led to the formation of three major political parties that metamorphosed from ethnic association. Northern Peoples' Congress (NPC) was supported by northern Nigerians and dominated by the Hausa/Fulani under the leadership of Ahmadu Bello. Action Group (AG) was dominated by the Yoruba in the west under the leadership of Chief Obafemi Awolowo, while the National Council of Nigeria and Cameroons (NCNC) which later changed to National Council of Nigerian Citizens (NCNC) was led by Dr Nnamdi Azikiwe, and dominated by the Ibo. However, the NCNC had the semblance of a national political party, for having followers and representatives in the three regional assemblies in the country, while others

only had membership from the respective regions where they were established. The structural imbalance in the political configuration of Nigeria at that time played a significant role in this phenomenon. Mwakikagile's view (2000: 3) reflects this when he submits that "Nigeria was plagued with deep seated imbalance in its political structure, stemming from the inequalities of its component units which placed one of the regions (the North) in a dominant position in the federation. The failure of the Nigeria constitution at independence in 1960 to recognize the strong desire of minorities and other communities for self-determination affected the balance of power at the center".

Because of the numerous and unresolved challenges faced by the First Republic, it was brought to an end through a military coup in 1966. The military interregnum lasted between 1966 and 1979 and during this period political activities were outlawed. The Second Republic, between 1979 and 1983, witnessed the emergence of more ethnically based political parties, which were much similar to those established in the First Republic. To a large extent the political parties in the Second Republic were reincarnations of the parties of the First Republic under different names. The parties included the National Party of Nigeria (NPN) led and dominated by the northerners, the Unity Party of Nigeria (UPN) dominated and controlled by the people in the west, and the Nigerian People's Party (NPP) that was dominated by the eastern people. They were offshoots of the then defunct NPC, AG, and NCNC respectively. Others were the Peoples Redemption Party (PRP) and the Great Nigerian People's Party (GNPP), and later the Nigerian Advance Party (NAP), which was registered in 1982, after failing the first round of registration in 1978 (Osaghae, 1998: 53). In the Second Republic, the only political party that cut across all the ethnic units in the country and therefore had a national outlook was the NPN, but it had its stronghold in the northern part of the country.

The Third Republic witnessed the imposition of political parties on Nigerians contrary to the freedom of choice and association as one of the rules of democracy. Following the lifting of the ban on political activities imposed after the December 31, 1983 coup, the military government, by executive fiat, established two political parties after the dissolution of the thirteen political associations that were seeking registration as political

parties. The imposed political parties were the National Republican Convention (NRC) and Social Democratic Party (SDP). The involvement of the military in midwifing democracy was a fundamental challenge that brought a fundamental change in the mode of party formation in the country and a negation of the rules of the game. The establishment of two political parties in the Nigerian ethnically diverse polity was expected to ordinarily serve as a melting pot for incubating two different political ideologies by fusing into two the over 400 ethnic units in the country, but the political parties were two parties of the same orientation with different names and barren of ideology that could move the country forward to development. Omotola (2009: 635) put this in perspective, saying “ordinarily, the existence of two political parties should represent two different ideological camps, as has been the case between the Labour and Conservative parties in Britain and Democratic and Republican parties in the USA”.

In 1999, General Abdulsalam Abubakar successfully completed his transition to civil rule by handing over the reins of power to Chief Olusegun Obasanjo, a retired army general on May 29, 1999, thus inaugurating the Fourth Republic. At the inception of the Fourth Republic, only three political associations were registered as political parties to contest the 1999 general elections. The parties registered by the Independent National Electoral Commission (INEC) were: People’s Democratic Party (PDP), All People’s Party (APP), which later changed its name to All Nigerian People Party (ANPP), and Alliance for Democracy (AD). The only one with a national outlook was the PDP, because it had membership and offices in all the wards in the country, while others were at best regional parties. In an attempt for AD to have a national outlook, it changed its name several times, first from Alliance for Democracy (AD) to Action Congress (AC), then to Action Congress of Nigeria (ACN) and now to All Progressive Congress (APC). The latest change was the product of a merger of Action Congress of Nigeria (ACN), Congress of Progressive Change (CPC), All Nigerian Peoples Party (ANPP) and a faction of All Progressive Grand Alliance (APGA). Currently Nigeria has well over sixty registered political parties, but only five of them are prominent with elected officials but still with strong regional bases and orientations. The opportunities associated with political parties are yet to manifest and be

positively exploited for national development. The ethnic composition and beliefs of the political parties have been the substructure upon which their ideologies are erected. The trend in party formation in Nigeria since the introduction of the elective principle has been ethnic associations metamorphosing into political parties. The mode of operation of these parties has always been to pursue ethnic and party leadership agenda. This practice has affected the composition and ideologies of parties preoccupied with defending ethnic agenda rather than initiating and executing national programmes.

The proliferation of regional political parties is a product of lack of coercion and unity among the various ethnic units in the country. Therefore, to sustain the beliefs and identities of the over 400 ethnic groups, regional political parties in the pursuit of regional agenda and the ethnic share of national resources have largely remained the norm. Also, in some worst scenarios some of the political parties do serve the interest of the leadership at the expense of the membership of the party and the nation at large.

ANALYTICAL FRAMEWORK AND CONCEPTUAL CLARIFICATION

Easton's system theory suggests itself strongly as the conceptual and analytical framework for our examination of democracy and ethnic militancy in this chapter. In the opinion of David Easton (1953), it is the integration of identified components that make up the political system based on the specifics of components' functions. This is because the political system is a structure in which whatever that happens to one component always affects the other. In the Nigerian context, ethnicity plays such a determinant role in the electoral and governmental system that one could persuasively submit that the electoral system, as a sub-system of the polity, has been greatly influenced by ethnicity. In a well-established and structured polity, governments are expected to emanate from the outcome of electoral processes. In a multi-ethnic society like Nigeria, political parties are expected to be melting pots for all the ethnic groups, and provide an atmosphere conducive to leadership selection for good governance that could be called a government of the people.

Thus, as the conduct of elections determines and impacts on governance,

governance also tends to impact on the electoral behaviour of the population. The correlation between elections and governance is a matter of the relationship between input and output in any political system. Hence, ethnicity as the support base of most political parties in Nigeria tends to deprive them of the expected national outlook that should be one of the features of political parties in multi-ethnic polity. The support base of any political party in any polity should cut across professional groups, religious groups, ethnic groups, and associational groups, among others. Political parties can only cope effectively with their responsibilities to the extent of their political institutionalization in terms of coverage, structure, internal democracy, cohesion and discipline, as much as their autonomy. The issue of party autonomy is very crucial to cohesion, discipline and policy formulation. Autonomy and the national outlook of political parties will aid unification of all interests and allow for even, competitive and rapid national development.

DEMOCRACY

As explained earlier, the term democracy originates from the 15th-century in Greece, and it denotes a system of government that is predicated on the “rule of the people”. In the contemporary world, there are several variants of democracy, but there are two basic forms of democracy, both concerned with how eligible citizens execute their voting rights. The two forms are direct democracy and representative democracy. Direct democracy is a process that allows all eligible citizens to directly and actively participate in the decision-making process of government. In a direct democracy, the whole body of all eligible citizens remains the sovereign power, while political power is exercised indirectly through elected representative in a representative democracy. It is a government by the people in which the supreme power is vested in the people, exercised by the people or their elected representatives under a free and fair electoral process.

It is important to note that there has never been a consensus on the definition of democracy, but equality, freedom and rule of law are important features of the system since its inception in the ancient times. Therefore, democracy contrasts with the forms of government where power is either

concentrated in a single authority, as in the case of monarchy, or where power is held by a few individuals as in an oligarchy.

POLITICAL PARTY

Political parties are important and indispensable institutions and structures of democracy and democratic societies anywhere in the world. Hence, without viable political parties as the platform to contest political offices, there cannot be viable democracy. Lapalombara (2007: 143) defines a political party as a universally adopted tool for mobilizing large numbers of persons to engage in forms of political participation, voluntarily or coerced, that are not limited to voting. In the view of Burke (2001: 394), a political party is a body of men united for the promotion of the collective good by their joint endeavours, based upon some particular principles which they all agreed. Anifowose (1999: 58) submits that political parties are means of organising the people so that they can select from themselves an elite group, which will control the process of public decision-making on their behalf.

In line with the above submissions, a political party has, as one of its responsibilities, the function of presenting candidates to contest elections into available political elective offices with the aim of furthering the common good for national development. Therefore, the responsibility of political parties becomes more challenging in an ethnically diverse and developing democracy, where it is often difficult to build societal consensus on national issues as a result of irreconcilable ethnic and leadership differences. Corroborating this, Barongo (1987: 67) argues that pluralistic democracy rather than dispersed and balanced political power in society actually encourages the acquisition and monopoly of power by a few individuals and groups and provides grounds whereby the stronger group of individuals pre-empt and dominates public policy.

ETHNIC DISPOSITION OF NIGERIA POLITICAL PARTIES

In pre-colonial and post-independence Nigeria, ethnicity has played manifest and latent roles in the nation's politics. In the pre-independence and post-independence eras party politics in Nigeria has been based on

the ethnic factor. Thus, one can submit that it was during the early days of Nigerian politics that the seed of ethnic politics was sown; it germinated and started spreading during the Third and Fourth Republics. Political parties in Nigeria have become useful instruments for limited and self-serving purposes of some few privileged and greedy individuals. This is contrary to the purpose of party politics, and it is at the expense of the general society.

The phases of Nigerian transition began from its forceful removal from indigenous governance that was autonomous and ethnically rooted to colonialism and later to independence from the colonial rule. The post-independence period witnessed a series of transitions which include: parliamentary democracy at independence, military regimes after the collapse of first, second and third republics; a civil war in-between and the present presidential democracy, which is at best civil rule. All the listed phases have had their peculiarities in the stability of the nation's political system.

The ethnic disposition of Nigerian political parties is not accidental, because party formation has mostly been via ethnic associations with all their structures metamorphosing into political parties without modification. The structure and process of leadership selection have mostly reflected the method in the monarchical system of government which negates the principles of the democratic system of government. In the monarchical system of government, leadership selection was not based on general consensus; rather it was usually a product of the decision of a select few. The argument for this was that it was only the royal family that could present candidates to occupy leadership positions, and the onus was on the royal family to present an acceptable candidate or the king makers to find one through *ifa* that is oracle consultation (among the Yoruba, for example).

Their memberships are mostly often drawn from the ethnic group whose cultural associations metamorphosed into such political parties because of the lack of trust in the other ethnic groups, as well as greed for positions. The historical background of each of the ethnic groups of the Nigerian nation has always been a major factor that determines party composition since the introduction of the elective principle in 1922. At the inception of political parties, ethnic associations were like the sub-structure upon which the political parties' foundations were laid. Another

major factor which ethnicized Nigerian politics is that the founding political leaders from the three major ethnic groups (Amadou Bello, Chief Obafemi Awolowo and Dr Nnamdi Azikiwe from Hausa, Yoruba and Ibo respectively) were ethnically focused with their programmes and had their support base rooted in their respective ethnic groups. The colonial experience of divide and rule sowed the seed of distrust among the ethnic groups, and this has concentrated the focus of political actors on ethnic agenda rather than national agenda.

MILITANCY AND NIGERIAN POLITICS

Democracy and militancy are two different and parallel concepts in any ideal society, but in Nigeria and most emerging democracies militancy has become part of the democratic process rather than exemption. For example, leadership selection in the Nigerian contemporary political system is by either consensus / imposition or through display of naked powers to intimidate opposition in any political context. The nature and structure of the Nigerian state and its politics of winner-take-all have made it possible for its politics to be militarized. Militancy is an act that is capable of inflicting pains on others in the process of achieving their goals without minding the repercussions on those that are affected.

The fact that politics is a game of promises without fulfilment in Nigeria has frustrated and discouraged the people from playing active roles in political process. In Nigeria, there is a lack of social contract between the government and the governed; hence, there is no motivation for commitment to development on the part of government and also for the governed to fulfil their part as good citizens. Political office-holders use their privileged positions to amass wealth for themselves and their allies at the expense of the general public. Meanwhile, the general public is fast assimilating the non-performing culture of the public office-holders, praying for their own time and the opportunity to come for their share of the commonwealth. This has been one of the major contributory factors to militancy in Nigeria.

The composition of the Nigerian state before amalgamation and independence was one of the factors making political office-holders not willing to play the game of democracy according to its rules of free participation

by every qualified citizen. In the Nigerian traditional political system, once a leader is enthroned, the leader can only cease to be a leader on the occasion of death or unanimous rejection by the people. The permanent enthronement in the African traditional political system has been subtly injected and practised by the Nigerian political leaders as they are unwilling to allow people to freely decide on who should be their representatives and leaders.

The ethnic composition of the Nigerian state is another factor aiding militancy in politics. Ethnicity has been a major factor used by the political leaders in the country to confuse and convince people to practice regional politics. Issues are more than often presented by the leaders from ethnic perspectives in order to have sympathy from the followers and therefore be ready to defend what the leaders present to them as the ethnic agenda. A good example of this is the call for regional integration by the ACN leadership in the south west states of the country before their merger with other political parties to form a mega party. Moreover, every ethnic unit in the country wants to continue to be relevant by retaining their identity, despite the federal system being practiced in the country. This has aggravated the lack of cohesion and unity among the federating units, which has in turn fuelled the practice of ethnic politics in a bid for each of the over 400 ethnic groups to sustain their individual identity even while struggling to partake in the national resources.

The majority of the people are often political spectators without being able to actively participate in issues that either directly or indirectly affects them. In Nigeria, most of the citizens are ignorant of their rights but those that are not are not willing to exercise them because of poor access to justice and a lack of trust in the justice system. Hence, government is taking advantage by not making provisions that will make people self-sustaining, but those that will make them perpetually look up to government for help. Political culture as used in this study to refer to a people's orientation to political objects and phenomena, including government, public officials, elections, their rights and so forth. If ideal political culture is entrenched in the citizens, they will be conscious of the fact that absolute power resides in the people and the people can decide how to use the power when the need arises.

Unemployment is a factor that encourages militancy in politics in that

when people are not employed they will be willing to do any available job to keep their soul and spirit. There is correlation between unemployment, militancy and political culture. When there is employment, there is the tendency for an enlightened political culture, and when this is the case, citizens will be politically informed in such that it will be difficult for leaders to influence them into militancy. In the same token, employment facilitates development, which can help institutionalize an enlightened political culture, which in turn has a great role to play in sustaining development. Unemployment makes people to seek self-help in making ends meet. In the process, both legitimate and illegitimate means are employed, with the illegitimate means involving the use of force. Unemployment is a factor that makes it possible for political leaders to lure the youth into politics as thugs to perpetrate acts of militancy. According to the Nigeria's unemployment analysed in both *Punch* and *Thisday* newspapers of April 10, 2014, over 80% of Nigerian youth are unemployed. This can be attributed to absence of good leadership that should harness the abundance human and material resources of the country, to make it one of the best in the world. Unemployment is one of the identified factors pushing youths into politics and thuggery in the service of political leaders providing petty cash and temporary sustenance for them.

The attractiveness of political office in Nigeria has added in no small measure to the violent and militant character of political competition in the country. Once the political office holders assumed offices they hardly think that contract for a specified number of years has been signed with the electorates to be in the offices they occupied. At the expiration of the "signed contract," through the ballot, they employ every means including violence to retain their offices. The security, allowances and power of the office occupied, among other things, that are enjoyed by political office-holders in Nigeria are second to none in any part of the world. These have no justification in that the people the political leaders claim to hold power in trust for are wallowing in poverty without hope of alleviation.

SUGGESTED SOLUTIONS TO MILITANCY IN NIGERIAN POLITICS

Militancy has existed in Nigerian politics for many years. What

distinguishes contemporary militancy is its violent dimension which is disturbing with the expanded opportunities available to the perpetrators.

Democracy as a system of government is guided by some set of rules; if the rules can be adhered to, the system will benefit all within the polity irrespective of political party or ethnic affiliation. There is a strong need for political education for people to know that power resides in them and that the political officeholders are just holding power in trust for the people. Also, people should know that they can recall any individual holding power in trust for them at any time the situation for such arises.

Youths are to be discouraged from making politics a career; rather it should be a vocation for them after acquiring the needed experience in their chosen careers. Those without a track record of good conduct and apprenticeship in an employment should not be encouraged to hold public offices, in that they will be lacking in the needed experience to direct peoples' affairs and make good judgment.

There is a need for total reduction in the benefits of public offices, as well as the removal of the immunity clause in the country's constitution to allow public office holders give account of their actions, inactions and decisions influenced by their selfish interests while in the office. The various institutions involved in the electoral process should be independent, so that they can make unbiased judgment in the interest of the majority, and for the stability of the polity.

Political parties should be made to have a national outlook and structure in a way that they will have membership among all the ethnic units in the country. To achieve this, part of the conditions for party registration should be membership from all parts of the country and have offices at various local governments and wards in the federation. When political parties are structured in this manner, policy formulation and implementation will be in the interest of the whole rather than regions or individuals as it is the present practice in the country, whereby political parties are more of regional than national parties.

The need for the re-introduction of option A4, whereby individuals contesting elections, irrespective of the positions they are vying for, would start competing with others that show interest in the same office from the ward level. This practice should replace the present practice whereby the party leadership will unilaterally decides who would represent people at

different levels without recourse to the people that will be affected directly or indirectly. This will allow people to decide on who will hold power in trust for them and at the same time be accountable to them.

Government should also create gainful employment such that people can be proud of their chosen career. This will guide against the use of the unemployed for political thuggery in a bid to get daily bread. In addition to this, government should provide basic infrastructure that will make life bearable for the people to justify the tax paid to government by the people. Availability of basic infrastructure will encourage those whose work depends on electricity, water, road and the like to always be engaged rather than being political jobbers. Absence of good governance to make life bearable for people in the country can be argued, to some extent, to be a deliberate act to eradicate the middle class that seems to be the bridge between the rich and poor. When this is achieved, the chance of the poor crossing to the comfort zone of the affluent will be slim. Availability of basic infrastructure will aid development, reduce unemployment, encourage patriotism and promote dialogue as against militancy.

Lastly, there is the need to reintroduce and make active inter-party peace committees. This committee will be saddled with the responsibility of making sure that political activities are conducted peacefully by guiding against acts of militancy – thuggery, provocative campaign, press war, postal war and the likes. To achieve this objective the committee will be meeting at list once in a month to review issues affecting political parties that can degenerate to violence if not well handled. Leadership of such committee should comprise respected individuals with wealth of experience in their chosen careers and public life and a strong will for national development. Apart from party representatives, the membership of such a committee should also include community, religious-groups' and youth representatives, among others that are relevant.

ETHNIC MILITIA AND THE FUTURE OF NIGERIAN DEMOCRACY

Nigeria is vast and the militia groups are numerous, such that almost all the over 400 ethnic groups in the country have militia groups. Various explanations have been offered for the atrocious violence perpetrated by

these militias. Sall (2004) observes that:

Structural factors, others, of a more or less essentialist kind, (invoke) the structural peculiarities of African societies. Others still relate the violence to the collapse of the very mechanism or ideologies that constituted part of the cement that, until then, kept the nations together and societies in conflict together.

The issue here is the link between violence and the democratic culture. Whether democracy in Nigeria is inclined toward violence is not the only question that needs to be asked; rather, there is also the need to establish the future implications of militia activities on Nigeria's democracy. In recent times, Nigeria has witnessed many social, economic and political challenges, the effects of which have been felt in every facet of the society. In the past, Nigerian societies were bound together by adherence to such norms and values as respect for the elderly, hospitality, and sense of community that ensured strong affinity for one's relatives, clan and community. In addition to these, a sense of shame and fear of transgressing taboos served as means of social control. Contrary to this, norms and values are now used to manipulate and initiate youths into militia groups.

Violence has always been part of the political process... Protest activities of one form or another, efforts to dramatise grievances in a fashion that will attract attention and ultimately the destruction or threatened destruction of lives and property as expression of political grievances even in stable, consensual societies... the ultima ratio of political action is force. Political activity below the threshold of force is normally carried on with the knowledge that an issue may be escalated into overt violence if a party feels sufficiently aggrieved. (Smith, xxx, 1, 1968: 111- 128).

Ethnicity and ethnic militias have continued to pose serious problems for Nigerian politics and society, in spite of various efforts to eradicate it. Unitarism, regionalism, the creation and proliferation of states, ethnic balancing, federal character, National Youth Service Corps, federal unity colleges, various formulas for revenue allocation, the proliferation of local government areas, government by grand coalition (power sharing), multi-party democracy, relocation of federal capital, numerous constitutional conferences, and so many others have all failed to improve the situation

because the ethnic phenomenon has not been properly understood (Nnoli, 2003: 13).

Ethnic militias are necessarily intense because those involved are inclined to believe that they are defending the whole way of life of their ethnic nationality. Hence, mobilization into ethnic militias is easy because of the perceived belief of their symbolic capacity to defend the totality of their ethnic-group interests, unity and sense of hope for the future.

Protest of various magnitudes has always been part of the democratic process. The institutionalization of militia units among the ethnic groups for attaining political goals through violence will portray Nigeria as a big disunited and largely polarized country. Also, the continued unemployment of the huge population of the youth will further make militancy an option for the youth to make ends meet. When ethnic groups, through their militias, are prepared to defend and protect their values and beliefs, there is the likelihood of continuous proliferation of political parties as the country is presently witnessing. This, no doubt, has further deepened the distrust among the various ethnic nationalities in the country. Another serious implication is that the political stage might likely be dominated in the nearest future by the militants. Therefore, politics in Nigeria is gradually becoming a game for those that can handle weapons, owing to the involvement of the militants in the country's political process.

RECOMMENDATIONS

Considering the findings in this study, recommendations to avert militancy in the country's democracy include the following:

First, there should be a rule guiding and restricting political office contestants to those that have been tutored in the art of human and material management. Second, political representation should be based on the consent of the people and not an act of imposition as practiced presently by most of the political parties in the country. This is important to make whoever claims to be representing the people to be accountable to such people. Third, government should be alive to its responsibilities such as provision and maintenance of security, provision and maintenance of basic infrastructure and creation of an environment conducive to employment creation and self-actualization. Fourth, government should outlaw

militancy of any type and allow all democratic institutions to work and be self-regulating, such that it will be difficult for an individual or a group of individuals to manipulate them for selfish interests. Fifth, there should be total reduction in the allowances of political officeholders, to discourage those whose sole aim is to go to accumulate wealth for themselves and generations yet unborn as against service to the people. At present, Nigerian political officeholders are among the highest paid in the world and there is no regulatory system to make them accountable for their actions and inactions while in office.

CONCLUSION

It is worth re-emphasizing that Nigeria's political travails as reflected in militancy in the country's democracy could be attributed to underdevelopment of the country and lack of institutional structures that can make the polity self-regulating. Militancy is one of the major problems confronting democracy in Nigeria, when citizens are not allowed to freely express their political will. The opinions of the leaders are mostly forced on the followers without allowing them to express their wishes. Militancy has become a strategy employed by the politicians in the country to intimidate opponents and voters alike in a bid to win elections.

The country's judiciary has been so corrupt to the level of granting unsolicited prayers to make sure their preferred political party wins in the electoral petition before their court. Electoral tribunals in Nigeria seem to be institutions that are created by the government to legitimize political fraud. From a critical analysis of elections in Nigeria through my participation as electoral observer, electoral official and a voter, there is no visible evidence that elections in the country have met international standard, but press is always used to present a wrong picture of the electoral process to please particular political parties. Hence, illegality cannot be put on fraud and expect good and orderly society.

Therefore, there is the urgent need for institutional reengineering, reorientation and political education among the citizens to conceive democracy and practice it as it was in the ancient Greek city-states where democracy is practiced according to the rules of the game. The present practice that encourages thuggery and militancy should be discouraged

in its totality to allow democracy take root and germinate, so that there will be development and unity among all the ethnic units in the country.

SECURITY OF LIFE AND PROPERTY: ARMED ROBBERY AND KIDNAPPING IN NIGERIA

Isaac Olayide Oladeji

INTRODUCTION

People's security around the world is interlinked – as today's global flows of goods, services, finance, people and images highlight. Political liberalisation and democratisation opens new opportunities but also new fault lines, such as political and economic instabilities and conflicts within states (Commission on Human Security, 2003). More than 800,000 people a year lose their lives to violence. About 2.8 billion suffer from poverty, ill health, illiteracy and other maladies. Conflict, deprivation and crime are interconnected (Ibid). Conversely, wars kill people, destroy trust among them, increase poverty and crime, and slow down the economy. Thus, addressing such insecurities effectively demands an integrated approach.

The need for security and protection of life and property predates modern architectural and modern practices. The desire for security of life and properties prompted the development of perimeter walls around the shelter of trees and barricades at cave entrances by the early man in prehistoric periods (Buah, 1969). As civilisation increased and technology advanced, the development of daring weapons, tools, and mechanical and electronic devices rendered ineffective, the security devices that were earlier considered insurmountable (Atolagbe, 2011). Today, there is not much of a physical barrier or anti-burglary devices that can offer adequate burglary resistance to the onslaught of grenades, hack-saw, rock and steel borers, metal smelting and so on in a civilisation and technology age where

the Pentagon, the American ingenious security edifice, can be devastated (Ibid) as was witnessed over a decade ago.

It is obvious that in the more developed countries of the world, the responsibility for the security of life and property has become a multi-dimensional issue that not only the state is involved but individuals and groups at different levels. In these countries, everybody contributes his quota to the security of self and all. Thus, security is achieved through the combined efforts of designated agents (police and other law enforcement agents) and an alert, forthcoming and conscious citizenry, with respect for individual and corporate rights; and concern for orderly nation-states (Ibid).

The situation in the less developed countries is different. Here, most citizens and leaders alike crave for self, in an atmosphere of weak, insensitive, unresponsive and uncooperative law enforcement agencies. Security of life and property has become highly priced that only the well-to-do can afford relative security, which in most cases do not even secure them.

Government as the amalgamation of divergent interests and arbiter of the constitution of a state, chooses as a point of reverence the sanctity of human life. Security of human life is sacrosanct to the ethos of its existence as part of the abrogated rights of individuals freely given in an age-longed Hobbesian theory of state. Having given legitimacy and authority to the state in a political social contract, expectations abound for the practicality of such authority and it is not to be subverted by elements within the state, thus, returning them to the era of medieval brutishness where lives and property are not secured. Security of life and property in the last three decades in Nigeria has been a subject of expanding debate with states drifting towards complete haplessness. Socioeconomic inequalities have created collision between citizenry, putting to question the abrogation of self-help and personal security. Citizens' agreement to the creation of a sovereign either willingly or unwillingly, theoretically in Nigeria, started with the annexation of Lagos in 1861, when British colonialist took over the administrative governance of Lagos and subsequently Nigeria. Citizens gradually gave up their right to self-help because they were very eager to escape the conditions in a presumed 'state of nature' where life was 'short, nasty and brutish'. This is the underlying philosophy of the social contract between the government and the governed. It could therefore

be argued that pervasive insecurity is a key manifestation of the breach of this social contract by the government. This raises an interesting question of whether citizens should continue to be bound by this social contract when one of the parties – the state – is increasingly failing to keep its own side of the bargain?⁷⁶

Nigerians in recent times have witnessed an unprecedented level of insecurity. This has made national security threat to be a major issue for the government and has prompted huge allocation of the national budget to security (Achumba, Ighomereho and Akpor-Oboro, 2013). In order to further strengthen the capacity of government to tackle insecurity, the federal government has embarked on criminalisation of terrorism by passing the Anti-Terrorism Act in 2011, installation of Computer-based Closed Circuit Television cameras (CCTV) in some parts of the country, enhancement of surveillance as well as investigation of criminal related offences, heightening of physical security measures around the country aimed at deterring or disrupting potential attacks, strengthening of security agencies through the provision of security facilities and the development and broadcast of security tips in mass media (Azazi, 2011). Despite this, the level of insecurity in the country has continued to rise to the extent that Nigeria has consistently ranked low in the Global Peace Index (GPI, 2012). However, not much result has been recorded in this stead even when government has partnered with other foreign security agencies to stem the trend of insecurity in Nigeria. Among other vices or crimes in the country, armed robbery and kidnapping seem to be major issues at stake. While armed robbery has been a major aspect of crime in Nigeria for a long time, kidnapping is a recent phenomenon which that is posing hard for the security agencies in the country to tackle headlong.

With the lingering security challenges and the inability of the security apparatuses of the government to guarantee safety and security in the country, the major question on the lips of an average Nigerian today is that “can there be security?” Is security of life and properties achievable in Nigeria? It is obvious that the security situation in Nigeria has

⁷⁶ Jidefor Adibe. “Pervasive Kidnapping in Nigeria: Symptoms of a Failing State?” <http://www.hollerafrica.com/showArticle.php?artId=304&catId=1> (retrieved July 31, 2013)

become herculean task and insurmountable to the extent that there is a sharp division among the people on the efforts of the government in tackling the vices. In some quarters, it is believed that government has not done enough to tackle the problem of security, particularly kidnapping, to provide or promote conducive environment for the citizens. Others are of the opinion that the situation is a political machination of some individuals who were adversely affected by the results of the 2011 general elections in the country.

Essentially therefore, this paper attempts to underscore the nature and dimension of armed robbery and kidnapping in Nigeria and how this has affected or is affecting security of life and properties in the country. In doing this, the paper is divided into seven sections. The first section gives the introduction to the paper while the second section provides a conceptual clarification of the term security and insecurity as part of a larger discussion of human security. The third section gives an overview of armed robbery and kidnapping in Nigeria. The fourth section examines the underlining factors of insecurity in Nigeria and the management of these vices while the fifth section gives information on how to curb the vices. The sixth section provides possible ways forward and the last section gives the conclusion to the paper.

SECURITY OR HUMAN SECURITY? TOWARDS A CONCEPTUAL CLARIFICATION

The debate on security/insecurity in the global village today has made the conceptualisation of the concept of security/insecurity to become elusive and intractable. As a matter of fact, scholars believed that the notion of security of life and properties should not be treated in isolation but as part of a larger discussion of human security. Nevertheless, it may suffice to understand that security is not absence of violence or conflict in a society. Security refers to “the situation that exists as a result of the establishment of measures for the protection of persons, information and property against hostile persons, influences and actions” (Akin, 2008). It is the existence of conditions within which people in a society can go about their normal daily activities without any threats to their lives and properties (Achumba, Ighomereho and Akpor-Robaro, 2013). It is obvious

from the point of view of the sociologists that a society cannot experience total compliance to the rules and regulations governing society. The activities of the deviants in such society should be overlooked or under estimated. Rather, society should be proactive in dealing with such deviant activities by ensuring that mechanism for the protection of human lives and properties is guaranteed and provided for. When this is done, with easy accessibility and responsibility, it is referred to as security. The notion of security embraces all measures designed to protect and safeguard the citizenry and the resources of individuals, groups, businesses and the nation against sabotage or violent occurrence (Ogunleye, et al, 2011). It also demands safety from chronic threats and protection from harmful disruption (Igbuzor, 2011).

As observed by Achumba et al, security can be described as stability and continuity of livelihood (stable income), predictability of daily life (knowing what to expect), protection from crime (feeling safe), and freedom from psychological harm (safety or protection from emotional stress which results from the assurance or knowing that one is wanted, accepted, loved and protected in one's community or neighbourhood and by people around. It focuses on emotional and psychological sense of belonging to a social group which can offer one protection). This description partly explains what is meant by human security as a larger or broader concept of security.

Debates on human security and its value in light of continuing and deepening threats to the survival and dignity of millions of people have gained impetus globally. In order to conceptualize security, various meanings and adjectives have been employed by its national and trans-national advocates. Terms such as "extended security", "comprehensive security", "preventive security", "state security", "internal security" and "human security" are gaining even more prominence in the wake up 9/11 and the war on terrorism. Three features of the debates on human security illustrate how varied the objectives of human security can be. As an instrument of national strategic priorities, human security has been seen as a way of reducing the human costs of violent conflict; secondly as a strategy to enable governments to address basic human needs and offset the inequities of globalisation; and thirdly as a framework for providing social security to people living in deprivation because of sudden and severe economic

crises and chronic poverty (Taylor, 2003). Human security is a response to the challenges in today's world. Policies, institutions and civil society actors must respond to these insecurities in stronger and more integrated ways. Essentially, human security is about both preventing violent conflict and reducing deprivations (Taylor, 2003). It is important to stress that human security today puts people first and recognizes that their safety is integral to the promotion and maintenance of national and international peace and security. The security of states is essential, but not sufficient, to fully ensure the safety and well-being of the world's peoples. While state security constitute the central focus of security debates before the end of the Cold War, the current agenda emphasizes the concern for people's security and put the responsibility at the door step of both the state and the civil society with more resting on the shoulders of the state. This now depends on the capacity of the state to firmly carry out this responsibility and ensure the security of lives and properties of individual and groups within the society.

The principal difficulties involved in the attempt to define 'security' lies in the divergent opinion that usually accompany studies in the Social sciences and specifically, the dynamism of the object of relative concept understudy. How the concept has extended beyond traditional concern of individual safety to include groups, government and dilemmas states' face in sustainability and existence has made definition of terms multifaceted. Security is an encompassing phenomenon that is paramount to individuals, entities, communities and even nations. Security has to do with self-preservation which is the first law of existence. Security implies a stable, relatively predictable environment in which an individual or group may pursue its ends or objectives without disruption, harm, danger and without fear of disturbance or injury.⁷⁷

Security of the person is a basic entitlement guaranteed by the Universal Declaration of Human Rights, adopted by the United Nations in 1948. It is also a human right issue explicitly mentioned and protected by

⁷⁷ Sambo Dasuki, 2013. "Nigeria's Security Challenges: The Way Forward", being a text of speech delivered at the 3rd Seminar held at the Nigerian Defence College, Abuja by the Alumni of the Institution. http://leadership.ng/nga/articles/46623/2013/02/01/nigerias_security_challenges_way_forward.html

the Constitution of Canada, the Constitution of South Africa⁷⁸, Nigeria and other laws around the world.

In general, the right to the security of one's person is associated with liberty and includes the right, if one is imprisoned unlawfully, to the remedy of habeas corpus. If there is no security, there is no liberty and if there is no liberty, life is not meaningful and society reverts back to the law of the jungle, that is, the survival of the fittest and man's primary objective of forming a state is defeated.⁷⁹ A traditional definition of the state, often attributed to Max Weber, required as a necessary condition the effective monopoly on the use or license of violence within a given territory. The security of states is therefore threatened by any change that might threaten that monopoly of violence--whether through external invasion or internal rebellion⁸⁰. Attitudes of robbery, kidnapping and other vices constitutes internal threat to the state's monopoly use of violence and general safety. Here, the legal definition of armed robbery being the forceful use of dangerous weapon to take possession of personal property, money or goods from a person/victim that lack consent on the part of victim, and with the intent to steal on the part of the offender. Robbery requires taking of property from the person or presence of the victim, which means that the taking must be from the victim's possession, whether actual or constructive⁸¹, the crime is completed when ownership is transferred from the victim to the offender, even if for a very short period of time.

While kidnapping is to take away illegally by force. A criminal activity of unlawful restraint of a person's liberty by force or show of force so as take to another location or concealed. Kidnapping is often accompanied by

⁷⁸ See en.wikipedia.org/wiki/Security_of_person

⁷⁹ John Kuffour, 2012. "Nigeria: Security, Development and National Transformation" being a text of speech at Nigeria's 52nd Independent Anniversary Lecture, Ministry of Foreign Affairs.

⁸⁰ Stephen E. Sachs. 2003. "The Challenging Definition of Security" International Relations, Merton College, Oxford: http://www.stevesachs.com/papers/paper_security.html

⁸¹ See http://legal-dictionary.thefreedictionary.com/_/dict.aspx?rd=1&word=armed+robbery

bodily injury, sexual assault, or a demand for ransom⁸². It involves detention against personal will or intent. Kidnapping occurs when a person is moved without lawful permission or request with intention to use the kidnapped victim as bait to achieve other ends. Kidnapping, the taking away of a person against the person's will, usually for ransom or in furtherance of another crime, is becoming everyone's nightmare in our dear country. Daily, we read nightmarish stories of people being abducted as they go about their daily business. A criminal act, which first attracted national attention on 26 February 2006 when Niger Delta militants kidnapped foreign oil workers to press home their demand, kidnapping has since become ubiquitous and commercialised. It has spread from the Niger Delta to virtually all nooks and crannies of the country, with some states of course being hotspots. Similarly victims have changed from being predominantly foreign oil workers to Nigerians, including parents, grand parents, and toddlers and about anyone who has a relative that could be blackmailed into coughing out a ransom⁸³.

The Nigerian state has displayed serious incapacitation in her responsibility of providing security of lives and properties of Nigerians. This incapacitation has manifested in serious armed robbery attacks on various Nigerians in various segments of the society. There is hardly any passing day that cases of armed robbery will not be reported in the dailies in the country. This happens on the highways, individual homes and mostly in banks.

Also, the rate at which kidnapping is reigning in the country shows that the state has lost the battle for security to the evil men of the underground. Today, several reasons have been adduced for the manifestation of these crimes in the country. This shall be the focus of this paper in the next section.

⁸² See www.law.cornell.edu/wex/kidnapping

⁸³ Jideofor Adibe. "Pervasive Kidnapping in Nigeria: Symptoms of a Failing State?" <http://www.hollerafrica.com/showArticle.php?artId=304&catId=1> (retrieved July 31, 2013)

MANIFESTATIONS OF ARMED ROBBERY AND KIDNAPPING IN NIGERIA

Criminal reverberations across the Nigerian state spanning from the time of Ishola Oyenusi, the King of robbers in the 1970s and Youpelle Dakuro, the army deserter who masterminded the most vicious daylight robbery in Lagos in 1978 in which two policemen were killed, through to Lawrence Nomayagbon Anini, Monday Osunbor (Anini's deputy) and Inspector George Iyamu (who supplied intelligence and arms to Anini's gang), had subjected the nation to a reign of terror with criminals living larger than life, dwarfing the apparatuses of government in a civil society. Anini spear-headed a four-month reign of terror between August and December 1986 that gripped part of Nigeria. While he and his gang reigned, they killed, maimed, kidnapped, robbed, and raped their victims. The episodes were replicated with increasing sophistication, brazenness and arrogance. At the end of it all, 20 persons - 11 policemen and nine civilians were killed. Indeed, Anini's siege on Nigeria was described as 'a nightmare' and 'a metaphor of horror.'⁸⁴

This era signifies Nigeria's retrogressive dive into a failing state, characterised by a weakened ability to provide basic public services and security which metamorphosed into widespread corruption as people think of themselves first, following the failure of the state to perform its traditional functions⁸⁵ of protecting lives and properties. Since the early 1970s, the incidence of armed robbery has increased at an accelerating rate in Nigerian cities. It is argued that widespread corruption at the most influential levels of national life encourages and provides the justification for armed robber's acts of condemning their victims to perpetual penury and at other time maiming them for life. The socioeconomic order shapes in large part the prevalence, magnitude, and seriousness of Nigeria's crime problem. In the same vein, the form, emphasis, and extent of success or

⁸⁴ P.E. Igbinovia (1988). "Wound Ballistics, Reasonable Force and Anini's Incapacitation" *International Journal of Comparative and Applied Criminal*. 12(1), pp. 131-135. (Spring).

⁸⁵ Jidefor Adibe, Op. Cit.

failure of social control and crime prevention programmes are, in large part, functions of the operative order.⁸⁶

The importance attached to security was well captured in the Nigerian constitution of 1999: Section 14 (2) (b) which states that, “the security and welfare of the people shall be the primary purpose of government”⁸⁷. Invariably therefore the Constitution has saddled the Government with the responsibility of safeguarding lives, property, welfare of Nigerians against both internal and external threats including other forms of danger. Thus, it is incumbent on the Government to monitor public order and safety, including law and order. United Nations Charter, Article 3 also gives credence to security of person where it states that, “Everyone has a right to Life, Liberty and Security of Person”⁸⁸

Along the vice of armed robbery that has decimated the country’s security system is the ugly trend of kidnapping. Just as Armed robbery took shape following 1967-70 Civil War, with the proliferation of arms in unguarded hands, kidnapping started initially as part of methods used by Niger Delta militants to attract attention of oil companies and the government to their struggle for resource control. Today, it has taken a different lease of life with high concentration in South-East, while gradually spreading to other parts of the country. Investigation revealed that kidnapping first captured people’s attention in February 2006, when militants in the Niger Delta started abducting foreign oil workers. Most of the early victims were usually set free after few days in captivity. However, with time, the potential for quick money in a relatively lower risk venture made kidnapping to blossom into a “lucrative business”.

In a report by the Campaign for Democracy (CD)⁸⁹, it said that a total number of 938 prominent sons and daughters of the South-East

⁸⁶ Sambo Dasuki, 2013. “Nigeria’s Security Challenges: The Way Forward”, being a text of speech delivered at the 3rd Seminar held at the Nigerian Defence College, Abuja by the Alumni of the Institution. http://leadership.ng/nga/articles/46623/2013/02/01/nigerias_security_challenges_way_forward.html

⁸⁷ The Nigerian 1999 Constitution.

⁸⁸ The United Nations Charter on Peace and Security

⁸⁹ Sambo Dasuki, Op. Cit

have been kidnapped between January 2008 and August 2012. In this report, the group said that the total number of people kidnapped had paid ransoms valued at about N1.2 billion within the last five years. Anambra State has the highest incidence of kidnapping of 273 persons, especially within the commercial axis of Onitsha and Nnewi. And it is happening at a constant rate for over five years now. Imo State, with current upsurge of kidnapping incidence, has recorded 265 cases; while its residents are living in heightened fear. Abia follows with 215 persons so far, although the incidence of kidnapping had continued to reduce for some months now after the death of a notorious kidnapper called Osisikankwu. Enugu has recorded 95 cases of the incidence in the past five years. However, the state had recorded the highest in abduction of government officials and international personnel. Ebonyi is the least, and quite of all the five states within the South East. It has recorded 90 cases so far officially. However, apart from kidnapping; the states are laden with communal crisis.⁹⁰

Though the granting of amnesty through Federal Government Amnesty Programme of June 25th, 2009 reduced kidnapping in the South-South area of Nigeria, criminal elements, most especially in the South-Eastern part of the country, have adopted kidnapping as a strategy, believing that kidnapping is a less risky and more lucrative venture than armed robbery.⁹¹ Armed Robbery, Kidnapping and Boko Haram insurgency in the North are today regarded as the main security challenges confronting the country. Prominent Nigerians, lawmakers and traditional rulers have fallen victims. Kidnapping gives the impression that lives of oil workers, prominent citizens and ordinary Nigerians are not safe and consequently portrays Nigeria as insecure, with attendant consequences.

When a British national was kidnapped near Lagos international airport on the 16th of July, 2013, the US Embassy in Nigeria sent an alert about the kidnapping, saying it “urges all US citizens living and travelling in Nigeria to take extra precautions for their personal security and safety” because of the “high threat of kidnapping of expatriates country-wide.” The embassy advised US citizens to be particularly vigilant around church

⁹⁰ Ibid.

⁹¹ Kidnapping and Insecurity in Nigeria – An ASI Global Report, December 6, 2012

and other places of worship, locations where crowds gather, government facilities and areas frequented by foreigners because of an ongoing threat from Islamic extremists operating mainly in northeast Nigeria, where there is a 2-month-old state of emergency.⁹²

The major challenge of policing and managing the spiralling trend of insecurity in Nigeria can be traced to the deliberate neglect by the military and systemic looting of the funds meant for the force by a few top officers during the years of Military administration of the Nigeria State. However, since 1999, there has been a significant improvement in terms of numerical strength of the police though not explicitly adequate, the recommendation of the United Nations' ratio of one policeman to 450 citizens is put under view. Of importance is the need for the police to be well equipped, despite the staff strength of the Nigeria Police covering above 300,000 persons, skills, intelligence, sophistication and modern armoury still paint productivity and efficiency in bad light. Though no matter how endowed and organized a country is, it can hardly be totally free/devoid of security challenges. The security challenges nations contend with are inextricably linked with their history, culture, social structure and economic conditions.

However, the issue of security of life and property does not begin and end with the police. The armed forces as well as other security agencies in the country should be well equipped and motivated in the task to ensure security of life and property of Nigerians and foreigners residing in the country. This paper suggests that de-emphasising materialism as the prime value of society, together with the creation of a humane and disciplined society, may bring a reduction in armed robbery and related property offences.

UNDERLINING FACTORS FOR INSECURITY

The insecurity presently being witnessed in Nigeria is tantamount to what transpires in war-torn environments, where there is so much

⁹² World Times: <http://world.time.com/2013/07/19/briton-kidnapped-near-nigerias-lagos-airport/>

uncertainty in the air. Kidnapping in Nigeria defiles social stratification, everybody worth the ransom is liable to be kidnapped. At a time a 3-year-old son of a State legislator⁹³, three female primary school teacher of Orhogbua Primary School, Ekekhuan, Edo State were part of the many victims with ransom ranging between N50 million and N70 million. The tranquillity once inherent in the nooks and cranny of Nigeria has been ruined. Majority of the metropolis like Lagos, Jos, Kaduna etc known for their tranquillity have all took on the togas of insecurity and fear.

In an online poll carried out by the Niger Delta Budget Monitoring Group, seeking the key causes of insecurity in Nigeria, result shows that 88.2 per cent of the nation's aggregated insecurity is caused by corruption, while the remaining 11.8 per cent is due to government in-action⁹⁴. A new concept, of "human security," has been suggested to express the need of individuals for safety in other arenas of basic need--access to clean food and water, environmental and energy security, freedom from economic exploitation, protection from arbitrary violence by the police, gangs, or domestic partners, etc. However, while this concept may be useful in indicating the variety of human needs that must be satisfied, it is far too expansive to be an effective policy goal, and does not offer an appealing alternative to traditional conceptions of security (Kuffour, 2012). Kuffour establishes that imbalance development that involves horizontal inequalities is an important source of conflict (insecurity) and that is costing Nigeria the opportunity to be the giant nation that it can and should be. Overpopulation and economic discrepancies, can thus be established as part of sources of insecurity worthy of security planner's attention⁹⁵. Insecurity is a social cost, police expenditure for crime prevention are made by every classes of government in Nigeria – local, state, and federal. In 2005, the federal government budgeted \$51,516,750 for the police department (Police Annual Report, 2005). Also, in 2005, an

⁹³ World Times: <http://world.time.com/2013/07/19/briton-kidnapped-near-nigerias-lagos-airport/>

⁹⁴ See http://www.nigerdeltabudget.org/index.php?option=com_poll&id=18:what-are-the-key-causes-of-insecurity-in-nigeria

⁹⁵ Jidefor Adibe, Op. Cit

estimated 185,048 cases (of armed robbery were reported nationwide, property valued over \$23,407,806.50 were reported lost. In total, more than \$102 million was spent to combat crime in Nigeria in 2005 (4 percent of net national product) (Ibid).

One primary underlining cause of instability and insecurity in Nigeria is the system of government which concentrate Political Power at the centre. In a true federation, the federating units act autonomous but inter-related with the centre, every unit managing its security apparatuses, with a judicial system that interpret the law in content and context. At present, there is a widespread notion that justice can be bought or sold in Nigeria depending on one's bargaining power and contacts within the corridors of power. Some of the alleged masterminds of Kidnapping cases arrested in the past by security agents secure released due to political affiliation. A system that prosecution of offenders with levity encourages others in that line of trade.

Development is a by-product of institutions and forthright leadership, powerful individuals with accompanying weak institutions only places premium on wealth, thus, becoming an underlining factor to seek ill wealth. Cabals and power-brokers are known to be stronger than the government or the institution. They see themselves as untouchables. They boast that nothing will happen and nothing ultimately happens! Many a times, the Police, Economic & Financial Crimes Commission (EFCC), Independent Corrupt Practices Commission (ICPC) etc needs some kind of 'clearance' from the powers that be before they can do what they are naturally supposed to do especially when a so-called godfather or powerful individual is involved.

With less than 25 per cent of every graduating student securing job, the burden of unemployment leads to vices. Unemployment and lack of record/database of criminals contributes to instability and insecurity in Nigeria amongst any other places. In other climes, there are social welfare packages used to douse the tensions emanating from unemployment and youth restiveness. There is paucity of a comprehensive database, making economic planning and provisions difficult.

The Nigeria security Agencies are not proactive due to unencouraging remunerations which makes them tensely reactive. The ranks and file of our Security Agencies need constant training and re-training in modern

equipment and information technology to combat cyber crimes. A porous border remains a leeway for armed robbery and kidnapping, with our extensive borders, people can waltz in and out of Nigeria without detection. Proliferation of arms and ammunitions are also common-place courtesy of our porous borders. The Nigerian Immigration Service, Customs, Navy and the Nigerian Air force must synergize to ensure that our borders are effectively patrolled⁹⁶.

CURBING THE MENACE

The theoretical difficulty with limiting the concept of security to the use of physical violence is that all economic and political relations are characterized by force, whether threatened or actually employed. The possession of economic rights in a resource which constitutes threat of forceful withdrawal of such resources by person(s) of lesser economic rights. Someone who has no economic rights to food or other resources which can be traded for food, might be subjected to use available means obtain what he feels he lacks even at gunpoint. To aid this, is the proliferation of arms emanating from the civil war to neighbouring countries' civil unrest, Niger Delta militancy and now Boko Haram activities.

In Nigeria today, there are contentions as to whether our system of national security is functioning effectively. A number of public analysts freely opine that not much is being done to combat crime in the face of our resources being continually expended on International Peace Keeping Operations (PKOs) and commitments. Of course, most of these opinions emanate from lack of understanding and appreciation of the dimension of national security and its challenges, the threats to it and its management in a dynamic environment.

Having identified the *raison d'être* of instability and insecurity in Nigeria, there is the need to examine the possible solution to these reasons because if security to citizens collective wellbeing is not achieved, there is tendencies of stunted development and peaceful coexistence.

⁹⁶ Jideofor, Op. Cit.

POSSIBLE WAY FORWARD

Youth Engagement

Unemployment is one socio-security challenge that successive governments over the years have identified and acknowledged. Unfortunately, government's efforts appear not to be making the desired positive impact. The engagement of these unemployed into criminality is a matter of concern for the government. Politicians often enjoy and equip this idle hands with arms during political campaigns, it is this arms that is used post elections for robbery and kidnapping. Unemployment needs to be seriously tackled and curtailed with the private sector encouraged and supported to create the much needed jobs. Constant electricity supply will no doubt boost employment and increase productivity.

Power availability in particular is very important to manufacturing and industrial enterprises, as well as small and medium scale businesses. Once power stability is achieved, there is bound to be marked improvement in job creation and the standard of living of the people. Poverty can be tackled from many angles, this is done through job creation, investment in agriculture, increase in local content of manufactured products, power generation, and improvement in quality of infrastructure.

Corruption in the force

While addressing the problems of unemployment, inefficiency and corruption in police force remains a major stumbling block in achieving a secured state. The complicity of George Iyamu, Deputy Superintendent of Police, is believed to have triggered Anini's reign of terror in 1986. Till date, security operatives divulging security information and sell arms and ammunition to criminals is due to the indiscipline and wretchedness inherent in the force which allows for proliferation of crime and insecurity to life and properties. To achieve this end, there has to be holistic purging of the system through proper orientation, training, equipment and most importantly remuneration.

The Nigerian Police and other security agencies must be well-equipped and trained/re-trained to tackle present day security challenges. Qualified and bright individuals should be encouraged with good incentives to enlist into the Security Agencies. The police must not be a dumping ground

for dullards. One is encouraged with the recent enlistment exercise of IT professionals into the officer cadre of the Nigeria Police Force. Other professionals should be wooed too. The Nigeria Police is also reported to have upped the ante by making Ordinary National Diploma and NCE the minimum requirement for potential recruits into the Police. Recruitment exercise must be transparent. Merit must not be sacrificed in the altar of god-fatherism. The Police forensic laboratory must be well-equipped, funded and staffed with qualified personnel.

Concerted and visible effort must be geared towards exterminating corruption and injustice within Nigeria system to eliminate the “get rich quickly” syndrome that has perforate our body system. Economic and Financial Crime Commission (EFCC) and the Independent Corrupt Practises Commission (ICPC) must not only carry independence in name but be seen to be INDEPENDENT! There must not be sacred cows or smoke-screens! A situation where the Attorney-general of the federation or the minister of justice can arbitrarily and unilaterally terminate or discontinue any case instituted by the EFCC, et al, no matter the merits of the case, should be looked into as it is subject to abuse.

Federalism and State Police

There is a need to restructure the Nigerian state to enthrone true federalism, including true fiscal federalism. Classically, federalism is regarded as a system of government in which the centre and the federating units are each, within a sphere, co-ordinate and equal. A true federalism cannot work in Nigeria under the present condition where the federating units are atomised into 36 unviable states, (with the possible exception of two or three states), which are dependent on the centre for their survival. Instituting true federalism will require merging the present unwieldy number of states into about six to make them manageable and cost efficient. The federating units should be allowed to run their own police force and to take measures they deem fit, within the law, to protect the citizens within their territory. Each federating unit ought to have a database of people living in its territory, including what such people do.

Viable Database

One of the fundamental essentials of security is the establishment

of a comprehensive data base to capture relevant data which would aid documentation and monitoring of the population. Nigeria, as it obtains in most Western countries, must have a computerized data base, not only of criminals but of everybody within the country, including visiting foreigners. Such data base needs not to be in one single place, it could be established at both the state and federal levels and by each security organization. What is paramount is for such data to be linked together. Intelligence agencies rely substantially on data bases to do their work and use them to crack crime cases. The data base, ideally, need to capture the date of birth, death certificate, photograph, finger-print, car registration data, travelling passport number, tax identification number, and other important details, such as house address, details of owners of each house located in any local government area, records of building approval, and other details necessary for planning, monitoring and development. But what is of major interest to security agencies is the data base on criminals, those who have been convicted of various crimes in the past, those jailed for offences, as well as those of security interest to law enforcement and intelligence agencies.

These data bases must be with or accessible to both the Nigerian Police and State Security Service, the 2 main agencies responsible for internal security. Availability of a current data base would go a long way in surmounting many of the security challenges confronting the country today.

Independent and Viable Judiciary

To eradicate or curtail instability cum insecurity, we need to strengthen our judicial system by ensuring that justice is dispensed no matter whose ox is gored. Nepotism and a culture of impunity must also be eschewed from our national psyche and life. Nigeria must be an egalitarian nation and not a country where there are two sets of rules—one for the rich and another for the poor. The citizens must see the Judiciary as the last bastion of the common man where justice is dispensed without fear or favour. Measures must also be put in place to ensure quick dispensation of justice. In Nigeria, people commit an offence that has say, a five years maximum sentence and they spend six years in jail awaiting trial. Let justice be done and seen to be done. Kidnapping should carry a more stringent punishment to dissuade people from seeing it as viable business.

Porous Border

One of the main security challenges in the country is the wide expanse of Nigeria's porous borders with contiguous countries. Many border communities have over time, out of practice, come to depend on the proceeds of smuggling and consequently, have come to see such practices as a way of life. Porosity of the borders has many implications, apart from revenue lost to smuggling, small arms and light weapons are brought into the country in large numbers. Until an all-inclusive border fortification is carried out, recent trans-border armed robbery and kidnapping might be difficult to curtail. Activities of citizens of neighbouring countries often add to the complexity and intensity of security challenges we have in Nigeria as the foreigners collaborate with Nigeria citizens to perpetuate evil, this actions call for cross-country monitoring and information sharing to curtail this excesses of neighbouring countries.

General Enlightenment

Nigerians must be continually sensitized to be security conscious. We have a culture of taking everything for granted over here. Security is a collective responsibility. Our lackadaisical attitude to security must cease. In most Western countries, people take note of a new neighbour when s/he moves into the neighbourhood. You will be surprised you wander up and down a street in a typical Western nation and the next thing you see are police cars blaring their sirens. Apart from the security cameras everywhere, probably an elderly man or woman must have tipped the police off. Here in Nigeria, most of us do not know our next door neighbour not to talk of other neighbours living the next street. We don't know or care what our neighbours' are into.

The National Orientation Agency, the State Security Service etc. have to be more proactive. Enlightenment campaigns must be ongoing because the Nigeria populace cannot be described as security conscious. This has to change dramatically and fast, for Nigeria to confront many of the security challenges being experienced at present. There is need for enlightenment of the public to make them aware that security agencies alone cannot fight crime or terrorism. Security agents all over the world rely on the people for relevant information which provides leads that could solve security related problems.

At the same time, the general public must be made to have confidence in the Police and other security agencies, and must be re-assured that the source of information being provided remains confidential and protected. Public awareness of the need to be security conscious and the dangers posed by terrorism to the general wellbeing of the people and the security to the state needs emphasis, until it becomes part of the people. Introducing security awareness curricula from primary to secondary school may be one way to achieve this. Adverts and publications issued in the media on security related issues is another way out.

Community Policing

The 21st century approach to combating crime is through community effort and policing. Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnership and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. It is the creating a bond with the community through foot patrolling that gives room for street intelligence, which is crucial in tackling most security related challenges. All the security agencies established by the Government need to observe inter-community cooperation in their relationship by sharing relevant intelligence amongst and constituted bodies in the community of operation. Citizens have roles to play at enhancing security, thus, security is and should be everybody's business.

Infrastructure Development

Security is not necessarily rocket science; no wonder even nitwits find very comfortable careers in crime and terrorism. A lot of common sense can help to maintain security. The problem is that common sense is no longer common these days. An iota of omission or negligence can have severe security implications and consequences. Even the Scripture says, 'watch and pray'.³¹ It's a matter of putting necessary infrastructure in place. The level of Nigeria's infrastructure needs to improve significantly above what it is at present, so also, the quality of education, health services, housing, roads and rail transportation. It is imperative that these infrastructure are not only present but of high quality to ensure adequate welfare, safety and security of the general populace and to give the people

the feeling of satisfaction regarding access to the dividends of democracy.

Infrastructural provisions strengthen institutions to perform more effectively. As Obama once said, Africa needs strong institutions, not strong men. Our institutions must walk the talk and not just be paper-tigers. All citizens must be equal before the law. The culture of foisting candidates on the electorate during elections must stop. Elections must be free and fair and a system should be put in place that ensures only Patriotic and unscrupulous individuals hold positions of responsibility.

SECURITY AGENCIES CAPACITY BUILDING

Another area where government would need to focus on is capacity building among security agencies, especially the police. Professionalism must be improved, recruitment and training need to be overhauled and the curricula reviewed to ensure that policemen and other security agents are in tune with modern technology and devices that can measure up to the standards of their counter-parts in more developed countries. States should invest in smart security, especially preventative security, which could involve phone tapping, CCTV, extensive use of moles, and possible use of private armies and private military companies in areas more prone to robberies and kidnapping. There is need for far-reaching security sector reform within some of the security agencies, if carried out most especially in the police, would reinforce the confidence of the citizens in the force.

CONCLUSION

In his inaugural address on January 20, 1961 the United States President, Mr. J. F. Kennedy warned that “if a free society cannot help the many who are poor it cannot save the few who are rich”. It is only through a coordinated system of assessments and readjustments that a country’s human and material resources can be directed towards meaningful and positive ends and combat ineptly the challenges of robbery and kidnapping. A nation with an insecure environment is doomed to distractions and possible disintegration. It is only imperative, therefore, that Nigeria enhances her security and intelligence organization to contain the myriad of challenges and threats facing her.

Have you ever wondered why our police are easy prey for armed robbers? A poorly motivated policeman will not only aid and abet crime, he will also perpetrate crimes and constitute a security threat to law-abiding citizens. It is necessary to equip the police, it is also expedient to motivate them to protect lives and property. Kidnapping seems to have become the biggest nightmare for the well-to-do in the society, despite the heavy security that protects them. And, if the highly-placed have become easy preys as it now seems, what can anyone say about ordinary Nigerians who, though aware of the menace, have no clues how they can secure themselves and their loved ones.

From the foregoing, this paper has been able to establish that security apparently transcends every facet of human endeavour, by implication; security embraces the establishment of proactive and defensive measures to safeguard all persons, materials and information from every form of danger. The assets of the country include physical objects such as human capital, infrastructure and other tangible assets that support the economy. Intangible things such as national values, the political ability to project power and authority, including national cohesion of citizens, are treasured assets any country would desire to have. No doubt, Nigeria is today one of the major kidnapping capitals of the world. This has obvious implications for investments, the country's development trajectory and even the quality of governance.

THE STATE OF HUMAN RIGHTS IN THE NIGERIAN FOURTH REPUBLIC

Lere Amusan

INTRODUCTION

The issue of human rights has generated considerable academic interrogation since the formative years of Nigeria around 1914 till date, and more so now in the country's Fourth Republic. The main question frequently asked by human rights students is whether Nigeria, as a state, was formed based on a social contract whereby people of different nations came together to surrender parts of their rights to a legal authority in exchange for peaceful co-existence and freedom of movement. If this was not the case, as vigorously argued in this chapter, then how can one talk of human rights in a heterogeneous state of different nations with little in common? Another question is the legitimacy of the 1999 Constitution because it was "not a product of a people's assembly, but instead, based on the recommendation of a committee" (Chima, 2013: 158). Despite the lapses in the formation of Nigeria as a marriage of convenience, which the late Obafemi Awolowo described as a mere "geographical expression", there is need to guarantee what is generally known in the Western world as 'human rights'. This is important when one looks at the plight of women, children, minorities, indigenous peoples and the old people in relation with human rights as applied in the 21st century. In Nigeria, nearly all the components of the public justice system (the police, defence lawyers, prosecutors and courts) are working against the poor in order to protect the law (Haugen and Boutros, 2010:52)

There is the need to compartmentalize human rights into three main areas, viz: the first, the second and the third generations. The first generation could be termed the ‘basic human rights’ as known in the Eurocentric world. These are the rights to life, association, religion, to vote and be voted for, and to live and work in any part of the country, among others. The second generation refers to human rights as canvassed by the leftists during the ideological Cold War international system. These are what were later recognised by the United Nations Organisation (UNO) as The International Covenant on Economic, Social and Cultural Rights (ICESCR), covering the rights to full employment, education and basic health facilities for all. The third generation concerns the rights of peoples, such as the right to preserve one’s culture, or the right of a community to protect its environment (Brown, 1997: 470). Like the second-generation human rights argument, these are rights to a clean environment, access to water and food, women’s rights and the rights of children (Cohn, 2013). This chapter intends to consider the rights together, as the absence of one implies total neglect of the others. The right to life, for instance, hinges on environmental issues bordering on third-generation human rights which themselves can only be addressed through global cooperation.

Against the background of Nigeria’s experience in the evolution of human rights issues from independence through the First, Second and Third Republics, with the military interregnums, to the current civilian dispensation, the chapter focuses on the Fourth Republic which began in 1999 based on the 1999 Constitution. It will examine attempts to enthrone human rights and make recommendations to advance human rights in the country as propagated in the 21st century. Economic rights and a clean environment, which were not considered as human rights in Third-World States (TWSs), especially Nigeria, will be extensively discussed. The next section discusses the basic paradigms of human rights and their applicability to the Nigerian situation.

HUMAN RIGHTS FROM THE GLOBAL CONTEXT: RELEVANT MODELS

Defining the concept of human rights continues to generate academic curiosity among students of law, the social sciences and humanities. The

panoply of the different interpretations of this concept can be gleaned from the Cold War interpretation of its connotations. Broadly, rights can be divided into four major parts: claim rights, liberty rights, power rights and immunity rights (Sen, 1999: 229). Claim rights are rights generated by a contract and accompanied by correlative duties. Liberty rights are rights without any obligations. Power rights are the rights that empower individuals to carry out some duties such as the right to vote and be voted for in form of civil and political rights. As discussed in detail in this chapter, civil and political rights are well-known in their Western interpretation. Lastly, immunity rights are the rights based on some peculiarities that exempt some selected people from abiding by a state law. An example is diplomatic immunities that prevent diplomats from being prosecuted, but which often give rise to issues of human rights abuse and corrupt practices (Mwenda, 2011).⁹⁷ Also, at the domestic level, the inability of a state to prosecute children and medically insane individuals for their wrongdoings is part of human rights (Brown, 1997: 472). Immunity rights are the basis of globally proclaimed children's rights, which get domesticated and institutionalized at the state level, for example, the 2003 Child Act in Nigeria. It is worth noting that first-generation rights as observed by every state today are derived from several covenants, conventions and treaties signed by European states that were eventually codified into international law. Some of these are the 1815 Congress of Vienna, which finally abolished slave trading through the Brussels Convention of 1890, and the Slavery Convention of 1926. The International Labour Organisation (ILO), through its Convention Concerning Forced or Compulsory Labour, was instituted in 1930. Freedoms of expression, movements and franchise are traceable to the Magna Carta considered as the basis of natural law that the present first-generation human rights rest on. The 1948 UN Universal Declaration of Human Rights is traceable to the victory of the allied forces during World War II which laid much emphasis on political rights as against second- and third-generation human rights. Out of the then 56 members of the UN that voted for the Declaration, 48 states voted and

⁹⁷ For further discussion on diplomatic immunities, see Berridge (2002), Dugard (2011), Mwenda (2011) and Pigman (2010)

eight abstained for divergent reasons. South Africa abstained because of its domestic policy of apartheid which was against Article 1 and 2 of the Declaration that called for equality of persons. The former Soviet Union and its five satellite states abstained because of the exclusion of second-generation human rights, economic and social rights; and Saudi Arabia abstained for the inclusion of religious secularism in the Declaration (Brown, 1997: 476).

While the Western World considers first-generation rights as the basic rights to participate in the political process through periodic vote casting and the ability to stand for election, the communist world could not view it as such. Communists rather believed that human rights should be looked at from the economic point of view, with a focus on issues like full employment and the creation of a classless society. The communist perception is what is regarded as second-generation human rights, because from the Western point of view, they are the rights that a state may not be able to guarantee. As such, they are incorporated into the forces of demand and supply to determine the allocation of values which addresses what, when, how and where to produce goods and services. In turn, the laws of demand and supply should equally determine the quality of jobs and the wages to pay for the services rendered by the people. Based on this, the issue of employment, which is considered as a right of people, may not constitutionally be guaranteed. This may not be guaranteed in the age of western dominated capitalist ideology imposed on the TWSs where the production of goods and services were to be determined by various variables such as the Heckscher and Ohlin endowment theory.

The Social and Economic Council of the UN brought about the issues of economic rights, minorities and indigenous peoples to the limelight. This explains the formation of regional economic commissions like the Economic Commission for Africa (ECA) with focus on the need for economic development as a right globally. The same principle has contributed to the prominence accorded the economic rights of Africans which constitute one of the fundamental human rights discussed in this chapter. Other rights such as child, disabled, women and indigenous peoples' access to land and to the resources of one's communities are going to receive academic interrogation. Indigenous peoples (IPs) may be defined as "groups and communities who self-identify themselves as such and

who seek protection of their fundamental rights within the indigenous rights regime as developed in international law” (Wachira, 2010: 297; ILO Convention No. 169 Art. 1(1)(a)(b) and 1(2)).

The post-World War II period came with the proliferation of non-governmental organisations with different functions but primarily based on the rights of different peoples at the global level. The impacts of Amnesty International, Human Rights Watch, Oxfam and the influences of different human rights movements in Nigeria have continued to inhibit misrule in the country. With their inputs, they also participate, though indirectly, in pro-human rights policy formulation.

HUMAN RIGHTS IN NIGERIA BETWEEN 1999 AND 2014

The human rights issue in Nigeria is a complicated matter, as both the military and civilian governments experienced so far have demonstrated little regard for peoples’ rights, With grave implications for governance. Several institutions put in place are thus less effective because of political interference and the lack of enforcement mechanisms from the court of law, on the one hand, and poverty of data in collating people’s identities. The establishment of the National Human Rights Commission (NHRC) in 1995 aimed among others:

To tackle the issues of human rights through various activities ranging from public enlightenment and education, investigation of complaints, mediation and conciliation, conflict resolution, peace building, research advocacy and training programmes on contemporary issues in the field of human rights.⁹⁸

The commission, according to the Amendment Act, 2010, is conferred with express powers to enforce its decisions, which are regarded as binding as high court decisions. According to the Human Rights Watch Report of 2013, Nigeria is contending with problems of human rights abuses

⁹⁸ <http://www.nigeriarights.gov.ng/activities-of-the-commission>. accessed on 9 November 2013

both by the government agents (police and armed forces) and non-state actors such as the Boko Haram and Ansaru insurgents. As reported, the Nigerian police continued to embark on extra-judicial killings, facilitation of people's disappearance and has held suspected Islamic fundamentalists incommunicado. The report also states that moderate Muslims, Christians and government agencies such as the police and the army were the target of the Islamist insurgents through physical attack, kidnapping (Chibok saga in April 2014) and suicide bombing. In 2012, for instance, more than 1600 people were killed by Boko Haram and Ansaru Islamic fundamentalists. Law enforcement agents, especially the Joint Task Force (JTF) of the army, police, civil defence and secret intelligence, continue the killing of suspected Boko Haram members and on some occasions have burnt down houses of innocent people. In November 2013, America officially tagged Boko Haram and Ansaru "as Foreign Terrorist Organisations and Socially Designated Global Terrorists" and advised the Nigerian government to embark on counter-terrorism. This constitutes in a way an encouragement of the continuation of human rights abuses, as counter-terrorism amounts to terrorism where non-members of these sects are mostly affected (The Guardian, 2013: 13 November). Suspected Boko Haram members were never brought to justice contrary to the provision of the 1999 Constitution, Chapter IV(38)(1-4), which guarantees the right of Nigerians to their religion and propagation of their belief by teaching the people within their community. The same constitution, however, stipulates non-imposition of religion on others or the establishment of secret religions. Thus, the constitution forbids fundamentalism as practised by Boko Haram and Ansaru. In the name of religion, schools form part of the objects of attack by Islamic fundamentalists where children constitute their victims. Burning of mosques, churches and government buildings is not only against the constitution that calls for freedom of religion, but is also against the right to life, given that many people are killed in the various attacks.

There have been human rights abuses in Benue, Kaduna, Plateau (inter-communal crises) and Bayelsa (resource crisis). The killing and maiming of civilians by security agents in the name of a state of emergency in these states and Bayelsa from 1999 till date are not unconnected with political and resource agitations. Children, women and old people were shot at sight

and houses burnt down in ethnic and religious crises in Adamawa, Bauchi, Benue, Ebonyi, Nasarawa and Taraba States. Ironically, the perpetrators have never been brought to justice by the national and state governments, as many people involved were perceived as sacred cows in their various communities. The crisis of settlers and indigenes continues to determine the politics at the state and local government levels in the country. The feeling of *we* and *them* and the alienation of the perceived strangers are another source of human rights abuse in Nigeria. This explains why the incessant crisis in Plateau State between the Fulani and the Birom tribes in Jos is still to receive a lasting solution. Government's insensitivity to this crisis is considered to be a flagrant abuse of human rights in the area.

At the international level, Nigeria is considered to be a violator of human rights because of the parliament's decision to criminalise anyone who enters into or assists a same-sex marriage, or supports lesbians, gays, bisexuals, or transgender groups or meetings. This law was passed by the Senate in November 2011, but it is considered a violation of human rights by international human rights groups. Nigeria as a secular state, with problems of religious identity in the northern part could have asked the parliament to vote against the bill as its implication in this precarious situation in the country is furtherance of the crisis in the state. According to the Sharia Penal Code, sodomy attracts life imprisonment and death by stoning in the northern part of the country. Sharia law introduced in some of the northern states, which was described by the former head of state, Chief Olusegun Obasanjo, as a political sharia is contrary to the provision of Section 10 of the 1999 Constitution. Zamfara State started Sharia in January 2000 and was followed by 11 other States⁹⁹ in a secular country. This is one of the highest levels of human rights abuses as pointed out by Paul Marshall (2002, as cited in Jegede (2013: 353) that the implementation of the new Sharia law in Nigeria:

Instituted harsh, cruel and unusual punishment, including stoning in which the victim is to be buried with only the head and shoulders

⁹⁹ The twelve States are Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto and Yobe.

showing, before being stoned, amputations of hands, lashings, removal of eyes, and death by stabbing.

On the issue of a good environment and safe health facilities, the Nigerian government is less concerned with the plight of the people who contend daily with hazardous substances as in the Niger Delta region and Zamfara State. In 2010, lead poisoning was reported at the artisanal gold mine in Zamfara State which killed about 400 children, with about 1500 admitted to hospital. The promise of clearing the site of poisonous lead remains a pipe dream till date. The right to a healthy environment is one of the third-generation human rights.

The draconian law in a federal system of government that gave the right over land to government continues to generate crisis in some parts of the country. The Odi Massacre claimed the lives of hundreds of Ijaw fishermen, children, women and old people in 1999. In October 2001, people were killed by government forces in Zaki-Biam and some other locations in Benue State. These two instances are connected with people's rights to their land and the control of resources within their territory. The Zaki-Biam incident has been described as an ethnically motivated massacre as a show of power between two retired army generals of Tiv and Jukun extractions (Jegede, 2013: 351). In February 2013, a judge handed down a judgment instructing the national government to pay a compensation of N37.6 billion (\$240 million) to the people of Odi town within 21 days "for what is called a brazen violation of the fundamental human rights of the victims to movement, life and to own property and live peacefully in their ancestral home" (Murdock, 2013). The judgement, unsurprisingly, did not have any impact on the government as the counsel to the President and Attorney-General of Nigeria, Nkolika Awa, thought that the judgement was meant for the previous Obasanjo government of 1999 to 2007, as if governance is not a continuum (John, 2013). The compensation was yet to be paid as of November 2013 against the verdict that it should be paid within 21 days of the judgement. The lack of respect for the judiciary is a source of human rights violation by the executive arm of government. Constitutional interpretation of cases remains difficult for the judiciary because politicians are acting as 'extension' of predecessor- military governments, and the court are reacting by falling back on the standards of

statutory interpretation that requires a strict compliance with provisions as a pre-condition for the exercise of ouster clauses (Nwauche, 2010: 41-2). Within the PDP, one cannot talk of human rights and the rule of law, as the suspension of party members by a few members of the party continues to generate arguments of whether the issue of human rights can be respected in the country. In November 2013, there was an Appeal Court judgment that called for the reinstatement of the former Governor of Osun State, Prince Olagunsoye Oyinlola, who was legally elected as the scribe of the party, but was removed under cloudy circumstances. This did not only lead to a crisis within the party, but also indicates a lack of respect for the judiciary by the party in government (*The Nation*, 2013, 13 November).

A discussion of human rights abuses cannot but bring in such abuses being perpetrated by multinational corporations in Nigeria's Niger Delta. Not only are the oil companies involved in the exploitation of the resources of the country, but the degree of human rights abuses perpetrated in the region is worth considering. Because of the need to develop the rest of the country, to the detriment of the region, the fragile ecosystem in the region has been thrown into chaos, and this has impacted negatively on the livelihood of the people, without compensation. Logging activities are unabated despite the need to protect the environment. Several plants and animals face extinction, without government intervention (IPACC, 2011). Environmental hazard is the nadir of human rights abuses in the region. According to the Constitution of Nigeria (1999), every human being in the country has rights to economic development. This is hindered by government interests and oil companies in the form of air and water pollution. Also, the use of security agents like the JTF in the riverine areas to coerce the people has also engaged scholars' attention (Amusan, 2013). The implication of the environmental violations for human rights records in Nigeria is enormous. As much as the government is trying to portray to the international system that human rights are religiously adhered to, internal coercion in the name of fossil fuel exploration has impeded any meaningful development in the area of human and peoples' rights (Zezeza, 2008). Ironically, Nigeria is a signatory to a series of human rights documents at the sub-regional (Economic Community of the West African States, ECOWAS), and regional (through the Banjul Treaty on

Human and Peoples' Rights) levels and acceded to the 1948 Universal Declaration on Human Rights at the global level. The state is also a signatory to child and women rights. In the age of climate change, people's rights are continually trampled upon by the government in the form of provision of an enabling environment for people to develop themselves. The concept of climate mitigation and the subsequent introduction of the Reducing Emissions from Deforestation and Forest Degradation (REDD) programme only perpetuate human rights abuses. It "often ends up perversely rewarding those responsible for deforestation, while dispossessing indigenous and forest dwellers of their land" (Bond, 2012: 9). There is the need for the federal government to embark on solving this environmental problem that is understandably a global problem, but which cannot be tackled without the inputs of the Nigerian government. Therefore, third-generation human rights should receive attention; otherwise, the second generation, and by extension, the first-generation human rights may be distorted. This may take the form of the lack of employment decent homes and may cause internally displaced people, with ramifications for the political and economic development of the people and the state.

As tangentially mentioned in the introductory part of this chapter, the three generations of human rights cannot be separated from one another. One leads to the other in a systemic manner. The right to life and dignity as enshrined in the 1999 Constitution, Sections 33 and 34, only receives literal interpretation. How can a person living very close to a waste dump claim to life a quality live when different types of diseases such as asthma, cholera, cancer and associated ailments are rampant around such an area. Gas flaring in the Niger Delta by oil multinationals explains why cases of asthma are rampant in the riverine area of the south-south geopolitical zone. Attempts to satisfy Western international economic relations in the form of free flow of fossil fuel continue to endanger the lives of millions of people whose land produces these resources. Against their much acclaimed corporate social responsibilities, the oil companies manipulate oil-producing communities through intra- and inter-community violence and perpetrate human rights abuses in the region (Idemudia, 2011: 170). According to the Friends of the Earth International, the activities of Chevron, an American multinational oil company, for twenty-five years

led to cultural destruction including the extinction of two indigenous nations, water and soil pollution and deforestation in the Niger Delta (Bond, 2012: xviii). Hence, the people are denied “access to fundamental natural resources that are critical for their survival, such as permanent water sources and forest products. This is a serious violation of the African Charter (Article 21(1) and 21(2)), to which Nigeria is a signatory. The Charter clearly states that all peoples have the right to natural resources, wealth and property of their land (ACHPR & IWGIA, 2005: 20)

As discussed by Marie Mazalto (2009), the impact of various international financial institutions (IFIs), particularly the World Bank and the International Monetary Fund in undermining human rights in Africa is not well captured in Western literature. The financing of mineral exploration and exploitation and the support accorded to ultra-capitalism perpetuate human rights abuses in the form of human displacement and lack of recognition of indigenous peoples whose land bears different mineral resources of commercial value. Instead, water and air pollution in the name of economic development constitutes their dividend. There is no protection of indigenous peoples (IPs) in Nigeria; rather the state prefers to address them as minorities because of the responsibilities expected to be incurred by government in line with international law if they are correctly addressed as IPs. It is also worth mentioning that the rights of IPs to their resources are being neutralised through the 1970s Land Decree that ceded all land to government. This is the power and canopy under which different governments in Nigeria hide to abuse IPs. Another area worth looking into concerning human rights violation by the IFIs is the question of structural adjustment programmes (SAP). This is properly captured by Eric Toussaint (2008: 224). Quoting a UN Human Rights Commission Special Rapporteurs, Ronaldo Figueredo maintains that:

The exercise of the basic rights of the people of debtor countries to food, lodging, clothing, employment, education, health services and a healthy environment cannot be subordinated to the application of structural adjustment policies and economic reforms related to the debt...

Several allegations of oil companies’ involvement in human rights violation could be traced to the 1966 Adaka Jasper Boro 12-day revolution,

when Shell Petroleum was accused of supplying the Nigerian Police with munitions against the movement that wanted to secede from Nigeria. Shell Petroleum was also accused of complicity in the killing of nine environmentalists led by Ken Saro Wiwa by the Abacha government. This was confirmed when Shell agreed to pay \$15.5 million out of court settlement for the killing of Ken Saro Wiwa in June 2009 (Mouawad, 2009). The implication of this is that Shell was indirectly involved in the killing as it was one of the powerful multinational companies in Nigeria¹⁰⁰ (Mouawad, 2009). It could therefore be said that multinational corporations (MNCs) continue to perpetuate human rights abuses in some parts of Nigeria through the eviction of people from their homes and the dispossession of property in the name of the state's economic development. Also, this translates into economic livelihood violations, as water pollution persists unabated in the creek areas as documented by various environmentalists.

Chapter IV of the 1999 Constitution of Nigerian and the Child Rights Act of 2003 provide for the rights of the Nigerian child. These documents specifically mention the need to uphold the rights of children to health care, food, compulsory education, protection against forced marriage and child labour. Nigeria domesticated the Child Rights, as adopted by the United Nations General Assembly in 1989 and put in force in 1990, through the 2003 Act (Dugard, 2005: 325). The high level of unemployment, unequal education, poor health facilities and the prevalence of poverty are the main factors that make it difficult for Nigerian parents to strictly adhere to the law that guarantees child rights. Many children are forced to engage in the production of goods and services by their parents in order to contribute in providing food for the family. On the issue of forced and child marriage, Senator Hamed Yerima's marriage to a 13-year old Egyptian girl could not be justifiably addressed because it involved a powerful political figure from the northern part of the country. To legalise this illegality, the parliament recently passed a law to accommodate marriage at any age despite Nigeria being a signatory to the 18-year minimum threshold set for marriage by various international organisations.

¹⁰⁰ For more explanation on the power of the MNCs, see Letto-Gillies, G. (2012) and Akinsanya, A. (1992).

The ability to strictly follow the constitution remains a mirage also because of Boko Haram and Ansaru activities in the northern part of the country. Compulsory education as a child right is being reduced to a laughing matter, as many children in the crisis-ridden environments of the north-eastern part of the country are denied education for the fear of attacks from Boko Haram. Boko Haram means Western education is sinful, and that has spelt a total denial of fundamental human rights for the children in the northern part of the country. Those who stay in rural areas often trek for more than 6 kilometres before they get to school, while herders are not provided enabling environments for their children to attend school. In many cases, where they are privileged to attend schools, they are sometimes subjected to some degree of victimisation such as rape, cultural discrimination and language barriers. These then reduce children of the herders to second class citizens in some parts of the southern part of the country which makes some of them to stop schooling. How then can one talk of child rights?

Concerning women's rights, Nigeria is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The convention describes discrimination as any distinction made on the basis of sex which "has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights" in any field as spelt out in Art. 1 (Dugard, 2005: 324). According to Article 4(1), affirmative action is allowed to enhance the development of women where special rights, as in the case of indigenous peoples, are needed to ensure parity between male and female. In reality, the Nigerian authority is still battling with affirmative action on the right of women. Though at the political level, there seems to be some movement towards this, at the grassroots level, women are still the object of all forms of discrimination, partly for religious reasons or because of the culture that relegates women to house-keepers. In terms of credit accessibility, women lag behind because they have less access to land and inheritance. Providing collateral in accessing credit from banks is still very difficult for women. Because of their sex status, women are constantly facing a series of harassments from men as wives in the house and sometimes, they are relegated to part of the family's property to be inherited after the death

of their husbands within the family. This is still prevalent in the eastern part of the country. In some cases women would be chased away from the family home when the husband dies and accused of witchcraft against the whole family. These are some of the acts of human rights abuses in some parts of Nigeria that are still being practised.

The 1999 Constitution guarantees freedom of expression and media rights to report as it is. One of the major problems confronting this freedom is politics whereby some journalists have been arrested because they reported on the violation of human rights that implicate Nigeria's political and economic elite. For instance, in October 2012, a high court judge in Abuja awarded Desmond Utomen of *The News* weekly magazine the sum of \$630,000 in damages after he was brutalised by policemen while on duty covering a protest outside a bank in Abuja. In the same year, many journalists were either found dead in their homes or gunned down while covering events in various parts of the country. The political elite and business moguls are always suspicious of journalists because they would not like their corrupt practices to be exposed. This could have accounted for the parcel bomb delivered to Dele Giwa at breakfast in his Lagos residence in October 1986, which exploded and killed him. Since then, journalists are always the target of government officials and politicians. In 2012 alone, Nansom Sallah (Highland FM), Ibrahim Mohammed (African Independent Television), Eneche Akogwu (Channels Television) and Chuks Ogu (Independent Television) were gunned down without any trace of their assailants. As recently as November 2013, a sitting governor in Enugu State, Sullivan Chime, violated his wife's (Clara Chime) rights, as he restricted her to the government house because she was suffering from depression and hallucination for more than a week. This is not only a violation of freedom of movement, but an attempt by the governor to deny her medical facility. The killing of Professor Festus Iyayi, a university don, in a road accident caused by a governor's convoy, recently taken up by a human rights lawyer, Femi Falana, and the NHRC, point to gross human rights violation. Many Nigerians are knocked down daily on Nigerian roads without any justice. The intervention of the NHRC in Clara Chime and Festus Iyayi cases point to the importance of the two in the Nigerian political arrangement and of the violation of their rights by political elites who are chief executives of Imo and Kogi States respectively for

their recklessness (Soriwei et al., 2013). Almost at the same time, Stella Oduah, the Aviation Minister who was to appear before the Senate on 14 November 2013 for the 3 October Associated Airline plane crash in Lagos, was accorded a soft landing through what appeared to have been pressure from the Presidency despite the death of the Ondo State Commissioner for Culture and Tourism, Deji Falae, and others in the crash.

In Nigeria's Fourth Republic, the power of human rights is weak as if the country is still under military rule. The only means of upholding the rights of people is the power of public opinion. This is the only way of goading the state into action. The mass media are invaluable assets on this, as many of the abuses uncovered in the country between 1999 and 2014 are traceable to the investigative journalism that some media houses embarked on. This is germane when one looks into the second- and third-generation human rights such as employment, decent housing and minimum standard of living which are not in the 1999 Constitution. These rights, particularly the second-generation rights, are the most contentious in the 21st century. "The right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions and the right of everyone to be free from hunger" are not in line with the concept of globalisation of which Nigeria is an ardent supporter.¹⁰¹ Globalisation of ultra capitalism hardly recognise social welfare for the indigents, which is the basis of providing for the poor by the state. Despite the dawn of democratic government in Nigeria, socio-economic rights have continued to suffer for the lack of judicable provisions in Section 6(6)(b) of the state Constitution. Despite this, Nigeria, as a party to the International Covenant of Economic, Social and Cultural Rights, should protect people's demands through the inclusion of socio-economic rights.

The scramble for resources in Africa, land inclusive, for the production of GM foods has become a source of concern of recent. For one thing, the influx of foreign firms involved in large-scale farming is a tactical attempt to dispossess Africans. For another, the coming of these companies, mostly

¹⁰¹ For a comprehensive discussion on these rights, see the Covenant on Economic, Social and Cultural Rights, Articles. Mostly see Article 11(1-2).

from Zimbabwe, Saudi Arabia and China, into food production is loaded with meanings. Their practice is against natural food production, as the modification of plants and animal genes implies an attempt to eradicate natural plants and animals and enhance multinationals such as Monsanto financial power (Tung, 2013). In doing this, many farmers are displaced from their ancestral homes or turned to farm workers on their own land handed to foreign companies with or without compensation. This was what happened to the Nupe people in Patigi, Kwara State when the state government forcefully evicted the rice growers from their land and gave the land to Zimbabwean farmers. This is a high degree of human rights abuse. Based on these practices, human rights remain desirable ideals, which are hardly permitted to thrive by contemporary international economic relations.

The inhuman treatment of the Niger Deltans who are internationally classified as indigenous peoples through the activities of oil giants and the national government is a case in point. Not only are they deprived of their ancestral land, but also, the high rate of pollution through gas flaring, water contamination and physical eviction without due regard to the right of their religion and cultural practices, are all against first-, second- and third-generation human rights as explained above. This act is against the 1999 Constitution, Section 42(1)(2), as the Niger Deltans are perceived as discriminated against because of the fossil fuel found in their land.

It is worth mentioning that the right to one's religion, as discussed in Section 37 of Nigeria's Fourth Republic Constitution, at any place in Nigeria, is far from reality in the face of the the on-going crisis in Jos, Plateau State where the city has been *de facto* divided into two between Muslims and Christians. The opposing religious people cannot live outside their *sphere of influence*. It is not only Section 37 that is violated, Sections 43-44 of the constitution, which stipulates that property can be acquired in any part of the country without appropriation, is currently unrealistic in some parts of the country. This continues to generate arguments, as many people are not allowed to own property in some parts of the country because of their religious belief, ethnic factors and social status.

Another problem that needs academic interrogation is Nigeria's pseudo federalism. What comes to mind here is the way the national government conceives the principle of inter-governmental relations. The national

government, in most cases, dominates the state and the state is in turn usually interested in overshadowing the local government, especially when it comes to service delivery at different levels. It is the constitutional right of the local government to provide basic needs at the grassroots. In theory, they should know the demands of their constituency. But the state government usually interferes in their affairs on the pretext of the high rate of corruption at the local level, as if there are no other means to address misappropriation, graft and prebendalism based on the relevant provisions of the constitution. Some of the reasons why local governments are created are to take government closer to the people; to address peculiarities of every community; and to breed politicians for the states and federal governments. Ironically, the incessant state interference defeats these laudable objectives, and it is a way of undermining human rights at the local level (Amusan, 2011: 840-5).

Despite the negative human rights record of the Nigerian government, some international regimes/institutions have not been able to point out these because of the importance of the state in the comity of nations. As the sixth major oil producer in the world, and an ardent supporter of peacekeeping, with the on-going global descent on the Boko Haram Islamic sects, the great powers continue to support the state in terms of security supplies without any attachment to human rights issues. America and Britain, for instance, are the major supporters of Nigeria in the security sector with emphasis on war on terror (WOT), which is another way of human rights violation, "as basic rights and freedoms give way to sometimes spurious or ill-defined national security interests" (Clarke, 2008: 193).

The implication of global involvement on the issue of human rights, at least the Western notion of rights is in conflict with the various international financial institutions, the World Bank and the IMF especially. It should be noted that one of the criteria for extending loans to the developing states, Nigeria inclusive, is the ability to religiously uphold every tenet of human rights, irrespective of the quality of candidates put forward by political parties in the age of money politics where the best candidates may not be able to represent the people (Erdmann, 2007). This is the genesis of inequality. In line with Amartya Sen's (1981) conviction, for the achievement of economic, social and cultural rights, there is need to institute balanced political rights. The problem associated with second-generation

human rights is that, in most cases, imposing these rights may amount to authoritarianism as experienced in the communist states before the collapse of the Berlin Wall. The need to improve the economic conditions of the people of Nigeria through privatisation breeds political instability and the reduction of the state to a private estate for a few in the country. The third-generation human rights is more problematic than the second-generation rights, as they are collective rights which cannot be achieved individually. For instance, the question of environmental degradation as discussed above, needs the cooperation of multinationals, government, international organisations and other relevant stakeholders to achieve a clean environment. The principle of sovereign rights and equality of every state based on national interest is antithetical to the realisation of this objective. By extension, the responsibility-to-protect dictum that is being introduced to global politics, has hardly helped in achieving common good. The principle of self-determination is loaded with nuances. As much as this is recognised by international law, it fails to receive the same enthusiasm at the domestic level (Ambrosio, 2002). This could explain the problems associated with the indivisibility of Nigeria as a sovereign state, despite the fact that many sections are agitating for their sovereignty, or at best, the need to introduce true federalism.

RELEVANT AUTHORITIES IN THE PROTECTION OF HUMAN RIGHTS IN NIGERIA

The three arms of government at the national and state levels, the constitution, specialised agencies such as NHRC, NGOs and the media are unfortunately incapable of guarding people's human rights because of the high rate of unemployment and poverty as discussed above. The constitution, most especially Chapter IV, specifically mentions the basic human rights of Nigerians, and this serves as a torchlight for the various arms of government to protect citizens based on the social contract between government and its people. The executive arm of government could not protect people's lives and property. Brutality by the police and army against the poor is well documented and self-evident all over the country. Other institutions such as the Judicial Commission cannot protect individual rights because of poor logistics and inability to do so, or what

can be referred to as the unwillingness to discharge their rights because of their loyalty to the executive that appoints them to the post

The Nigerian Police, which should be the protector and enforcer of human rights at the grassroots level, is described as ‘vigilantes and criminals’ who engage in harassing, oppressing and brutalising people. On some occasions when they intend to protect the people, the lack of relevant training owing to corruption of police chiefs as in the case of former Inspector general of Police Tafa Balogun¹⁰², poor morale because of poor pay and resources and inability to embark on proactive investigation are some of the challenges faced by the Nigerian Police (Haugen and Boutros, 2010: 52). The same inspector-general declared in 2003 that, between March and November 2002, about 1,200 criminals were killed by his officers at different locations in Nigeria (Jegade, 2013: 351-2). The implication of this is that, the question of right to life and fair hearing as stipulated by the constitution is irrelevant to the Nigerian police. To check the excesses of the police and their perceived corrupt practices, the civil defence corps was empowered by the Olusegun Obasanjo regime to curb civil disturbances in the society and to serve as a complementary institution in actualising human rights in the country. By extension, the newly energised institution protects the rights of Nigerians through maintenance of peace and order at the grassroots. Despite this, the institution is struggling for recognition. The Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices and Other-Related Offences Commission (ICPC), established by law in 2000 to check human rights abuses through economic and financial corrupt practices, are currently, almost a ghost of themselves. Aviation Minister Stella Oduah’s alleged corrupt practices were not prosecuted because of her closeness to President Goodluck Jonathan. The on-going review of the ICPC by the Nigerian Law Reform Commission (NLRC) has brought the commission to prominence, given its importance in the protection of human rights in Nigeria as approved by the legislature. The commission is expected to review all relevant laws on the need to protect

¹⁰² Tafa Balogun was Obasanjo’s Inspector General of Police before he was removed and jailed by the EFCC for corruption. His case was almost politicised and Nuhu Ribadu who was then the head of EFCC stood his ground and prosecuted Balogun.

the poor against the immunity clauses in the Nigerian law that elevate some government officials above the law.

The judiciary that is theoretically and *de facto* considered as the custodian of justice and the last resort of every citizen of Nigeria has several times been accused of compromise because judges and magistrates want to be loyal to the government that appoint them to such positions. Many cases of injustices from magistrates and justices are well documented by various NGOs and the media in the country. The case of Justice Ayo Salami and how he was relieved of his duty because of his involvement in the electoral dispute in some states in the south-western part of Nigeria is needs further academic interrogation.

CONCLUSION AND RECOMMENDATIONS

Amartya Sen (1999: 228) observes that “...rights would have to be acquired through legislation, just as clothes are acquired through tailoring.” Looking into the development of contemporary human rights as recognised by *civilised nations*, it is worth mentioning that they are developed out of what is known as natural law and Judeo-Christian interpretation of basic rights. Nigeria’s 1960 Constitution, imposed by the British government, provided at length similar basic rights for Nigerians as the 1999 Constitution. What needs to be looked into is the operationalisation and interpretation of the rights as they are today. Lack of separation of powers among the arms of government militates against these rights. The judiciary, which is supposed to be the custodian of the rights of the people, is coerced by the executive, and in some cases, by the legislative arm of government for parochial interests. The implication of this is the absence of an impartial judiciary with all its ramifications for the rights of the masses who are not privileged to be in the corridors of power.

Differentiation between the three generations of human rights is another source of trampling upon the people’s rights by different governments in Nigeria. The first generation of human rights is considered to be the Western capitalist minimal rights of the people and is not adequate for political stability in Nigeria as discussed above. Without economic and social rights (second-generation rights) and environmental and collective rights (third-generation rights), freedom of expression, right to

vote and be voted for, right to life and fair hearing may not be guaranteed for the poor in Nigeria. Without economic power, the ability to be voted for in a representative democracy as practised in Nigeria may remain a mirage because of the financial implications as discussed in books edited by Erdmanna and Mehlers (2007) and Anthony Butler (2010). Pay for politics is tantamount to human rights'. Another problem associated with human rights problems in Nigeria is the activities of the mass media. They only point out human rights abuses where their interest is at stake. For the masses, human rights remain a luxury. Despite the presence of several NGOs and government parastatals that deal with human rights, the lacks of information limit their activities. Also of paramount importance is the issue of political consideration. Those who enjoy the patronage of the government may not be able to point out human rights abuses.

Describing the human rights predicament of the poor, Gary Haugen and Victor Boutros (2010: 51) maintain that:

For a poor person in the developing world, the struggle for human rights is not an abstract fight over political freedoms or over the prosecution of large-scale war crimes but a matter of daily survival. It is the struggle to avoid extortion or abuse by local police, the struggle against being forced into slavery or having land stolen, the struggle to avoid being thrown arbitrarily into an overcrowded, disease-ridden jail with little or no prospect of a fair trial. For women and children, it is the struggle not to be assaulted, raped, molested, or forced into the commercial sex trade.

As discussed above, most human rights abuses come from the government and its officials because of personal interests. There is the need for people, because of the social contract, to be able to dictate what they want and how they should be governed. But because of money politics and the power of the media, politicians are hardly answerable to the electorate. Inter-party and intra-party politics hardly gives enough space for the ruling elite to address human rights abuses. This is compounded by the high rate of poverty in the country. There is the need, therefore, for an effective public justice system as discussed above. This could be achieved on the condition that there is separation of powers among the three arms of government and the principle of checks and balances is

religiously adhered to by government functionaries.

Nigeria as a secular state implies that there is room to propagate one's religion, but what remains misty is the use of political office to introduce a state religion. This is against the relevant sections in the constitution of the country, and people of different faiths should co-habit in a peaceful manner, not as "we and them" that perpetuates religious and ethnic crises in some parts of the country. There is also the need to train and equip relevant stakeholders in furthering human rights. Such equipping involves improving the standard of living of the police, civil defence and armed forces who are the greatest perpetrators of human rights abuses. Also, the judiciary, with a special focus on prosecutors, lawyers and judges, should be encouraged to go for further training through capacity-building programmes locally and internationally. The legislature, because of the manner in which the occupants get to power, should as well enhance their capacity in contemporary legislative processes. Workshops, conferences and formal training through universities' special programmes should be encouraged. In so doing, it will enhance their understanding of what human rights is about and the need to observe them.

PART FOUR

INSTITUTIONAL FRAMEWORK

THE NIGERIAN SENATE 1999-2013

Joseph Yinka Fashagba & Oluwakemi Shade Babatunde

INTRODUCTION

Nigeria operates an American modelled presidential democracy anchored on the doctrine of separation of power. Under the presidential democracy of the fourth republic (1999 - date), the 1999 constitution creates three distinct political institutions to run and manage the affairs of the state. The three democratic institutions with separate but sometimes overlapping roles under the political arrangement include the executive, the legislature and the judiciary. The Nigerian national assembly is made up of two chambers. The first chamber is the Senate, which in most literature, is referred to as the upper chamber. The second chamber is the House of Representatives which most writers often tagged the lower chamber. The two-chamber assembly model is not new in Nigeria, as its adoption dated back to the colonial era. Indeed, at independence in 1960, the parliamentary system was based on a bicameral legislature. However, the senate of the first republic (1960-1966) consisted of people selected or nominated by the regional assemblies (Fashagba, 2009a). The introduction of the presidential system in 1979, following the restoration of democratic government in what is popularly referred to as the second republic, led to the restoration of a legislative institution based a dual chamber model. To mark a complete departure from the first republic system, senatorial seats became elective. Unlike in the first republic when the president was a member of Senate, in the second republic the executive organ became a separate institution with a popularly elected president at the apex of the

executive organ (Fashagba, 2011).

With the introduction of the presidential system and a dual legislative assembly since the second republic, the senate has been drawing its powers and functions as a component of the national assembly from the federal constitution. To be sure, there are responsibilities that are exclusively reserved for the senate. Indeed, each member of senate represents a much larger constituency than each member of the lower chamber. This is similar to the system operating in the United States where the population of each state determined the number of members a state is entitled to in the congress while the senatorial quota for each state is two. It is popularly believed that the senate often comprises more mature people, especially in a new democracy like Nigeria where the age requirement and the financial commitment required for electioneering activities deter quite a lot of people from contesting senatorial elections and other important national elections.

In the opinion of some writers, the dual chamber model constitutes a drain on the national resources (Laski, 1992). This perhaps account for why some people have called for a change from a dual to a single chamber legislature in Nigeria. In fact, in 2010, the Governor of the Central Bank of Nigeria (CBN), Lamido Sanusi, told his audience during a convocation lecture at Igbinedion University in Nigeria that the National Assembly alone consumes about 25 per cent of the national budget annually since 1999. He therefore advocated for a transformation from the two chambers in operation to a single chamber. Yet many scholars believed that having a dual assembly helps in achieving a balance of powers between the two chambers. The argument here is that while the legislature checks and balances the power of the executive, each chamber of the legislature should also serve as a counter force to put each other in check. This will ultimately translate to a limited government, which is the essence of the liberal democracy. This perhaps informed the adoption of the presidential arrangement and the dual chamber model when democracy was restored in 1999. In the current dispensation (1999-date), commonly referred to as the fourth republic, in the extant literature on comparative studies, the national assembly has two distinct but inter-dependent chambers. The members of each chamber represent different constituencies (federal constituency-as it is called and senatorial district) and carry out their

functions within the framework of their enabling laws as well as rules and procedures crafted to guide proceedings in the house. Within the ambit of their powers, the national assembly has played very significant roles in the current dispensation (Fashagba, 2010).

However, while acknowledging the importance of the two chambers of the national assembly, this study is interested in examining the place of the Senate in the fourth republic. Specifically, we are interested in examining the power of the senate under the 1999 constitution, the functions of the senate and the extent to which the chamber has performed its constitutionally assigned responsibilities. To achieve the objective of this study, data were retrieved from secondary sources and the data were qualitatively analysed. The chapter is divided into four, but the next section focuses on the emergence, concept and growth of the legislative institution in Nigeria.

THE EMERGENCE, CONCEPT AND NURTURING OF THE LEGISLATURE (IN NIGERIA): A LITERATURE REVIEW

Bicameralism is a term coined by Jeremy Bentham in 1832. It explains a two-chamber structure of the legislature in any system of government, each with separate leadership, membership, and conditions of office. In Nigeria, the members of both chambers have very similar conditions of office. The legislature is an assembly of representatives of a people elected under a legal framework to make laws. It can also mean an institutional body through which the collective will of the people or part of it is articulated, expressed and implemented (Okoosi-Simbine, 2010:1). Tsebelis and Money (1997: 15) define bicameral legislatures as “those whose deliberations involve two distinct assemblies.”

The design of bicameralism in politics is as old as the hills: classical evidences abound in medieval Europe where there were different representation for the various classes of people, usually between the aristocracy and commoners. For instance, political powers in Athens were shared between an assembly (representing different classes of citizen in open town meetings) and a council (comprising members of the ten tribes of Athens). Political authority in ancient Rome was also divided between its Senate and several Assemblies while Venice had the Great Council and

the Senate (Congleton, 2006:270). Besides, Bicameral legislatures are the norm in the United States, Germany, Britain, and France as well as many other countries. The bicameral assembly often consists of an upper house/chamber and a lower house/chamber. In different countries, the upper chamber goes by different nomenclatures such as the Senate, House of Lords or Federal Council etc. There are however considerable variations across countries in its composition and mode of membership selection. Names for the lower chamber also differ across countries. They include: the House of Representatives (Nigeria): Congress (United States): House of Commons (Britain): Chamber of Deputies and Federal or National Assembly (South Africa).

The Senate in historical term refers to the legislative council of ancient Rome. It was the highest legislative, judicial and religious authority in republican Rome. It was highest centre of power and the ruling body of certain free cities in medieval Europe (Collins English Dictionary, 2003). In general terms, the senate refers to an assemblage or committee of people who have the highest deliberative functions. It also denotes a council of citizens usually of the upper house of modern legislative assembly of nations such as the United States of America, Argentina, Australia, Belgium, Brazil, France, Italy, Kenya, Malaysia and Nigeria among many others.

In a more specific sense, the origin of the legislature in Nigeria can be traced to the forty-six members' Legislative Council established under the constitution of 1922 (famous as the Sir Hugh Clifford Constitution). Unlike the Nigerian Council of 1914 serving in a mere advisory capacity to the governor, the Legislative Council made laws for the Colony and the Southern Provinces (Tamuno, 1967: 120), while the Governor retained the law-making power and in fact continued to enact laws for the Northern Provinces.

A new constitution was published by Sir Arthur Richards in 1946 in response to the agitations of Nigerians for better participation in government and/or self-government. Consequent on this, a new Legislative Council for the entire country was set up and the country was divided into three regions with regional legislatures, namely; North, West and East. The Central Council was composed of forty-five members, twenty-eight of whom were Nigerians. Four of these were elected while the remaining

twenty-four were nominated by the Governor. Each province/region was represented by two official members. The Northern, Western and Eastern Provinces were represented by nine unofficial, six unofficial and five unofficial members in that order (Okonkwo, 1962: 255). The constitution also introduced Regional Councils which considered matters referred to them by the Governor and advised him on such. The Northern Region Council had two chambers (House of assembly and House of Chiefs), whereas the Western and Eastern Regions had a chamber each.

Under the leadership of Sir John Macpherson who became the Governor General in 1948, a new constitution was adopted in 1951 (MacPherson Constitution). The constitution set up a single chamber legislative house (known as the House of Representatives) centrally for the whole nation. A bi-cameral legislature (the House of Assembly and the House of Chiefs) was introduced to the western and northern regions while the eastern region maintained only the house of assembly from the preceding constitution. The federal House of Representatives was dominated by elected Nigerians as a hundred and thirty-six of the one hundred and forty-five members were Nigerians. Of the hundred and thirty-six elected Nigerians, sixty-eight were from the Northern House of Assembly, thirty-one from the Western House of Assembly, including three from the Western House of Chiefs. The remaining thirty-four members were representatives from the Eastern House of Assembly. This constitution enhanced the participation of a greater number of Nigerians in government as more unofficial elected members were also elected into the regional Houses of Assembly than unofficial nominated members and appointed official members (Okonkwo, 1962:275).

A new constitution was introduced in 1954 (known as the Lyttleton Constitution of 1954). The constitution further strengthened the federal arrangement of the country. Nigeria was then declared a federation with more autonomy given to the regions as they became increasingly run by Nigerians. They were responsible for primary and secondary education, agriculture, public health, local government etc. including all matters within the residual list while, the federal government operated within the exclusive list (Coleman, 1986: 371).

Between 1957 and 1960, the three regions attained self-governance. On 1st October, 1960 the Nigerian Federation achieved full independence

from Britain. A parliamentary modelled constitution was adopted patterned after the British constitution. This constitution provided for a federal parliament made up of the Governor-General (appointed by Her Majesty), a Senate and a House of Representatives. Although, the House of Representatives had 312 members, the Senate consisted of 44 members (12 senators representing each region respectively, 4 senators representing the Federal Territory and 4 senators selected by the Governor-General). The constitution also provided for the office of a Senate President and a deputy. These were to be elected by the members of the senate from amongst themselves (Senators). Dr. Nnamdi Azikiwe became the first senate president from 1960 until 1963 when he stepped down to assume the office of the Head of State.

The first Republican Constitution of Nigeria of 1963 provided for the office of President who was also the Head of State and Commander-in-Chief of the Armed Forces of the Federation. He, together with forty-four Senate members and three hundred and twelve members of House of Representatives constituted the Parliament of the Federation. The president was however not an executive president as the prime minister who was the leader of the majority party in parliament was the head of government and the chief executive of the federation. Indeed, the dual nature of the headship of the nation under the 1963 republican constitution of Nigeria precipitated frequent personality clash between the head of state and head of government (Adebayo, 1986). The collapse of the constitution was in part due to the frequent misunderstanding between the two leaders resulting from the provisions of the constitution.

The 1979 constitution introduced a presidential system of government based on the United States-style presidential system of government whereby the Head of State was the Head of Government. A bicameral National Assembly was adopted at the federal level. This comprised of the Senate and the House of Representatives. The Senate was made up of five senators from each of the nineteen states of the federation, while the House of Representatives had four hundred and fifty members based on the general population of the country (Falola, 1985: 33). The Senate and House of Representatives were given co-equal powers during this period unlike the ceremonial figure that the Senate represented in the first republic. While the businesses of Parliament were earlier conducted

in English language, Nigerian languages (Hausa, Yoruba and Igbo) were introduced and used with the English language as was deemed appropriate.

Thus, the bicameral system has been operated from 1960 and under the various democratic governments in the first, second, the aborted third and the current fourth republics. The respective constitution of each republic provided for a House of Representatives and a Senate, although with variations in powers and composition. The constitutions further clarified how the National Assembly should be constituted. In specific terms, for instance, in the second and the fourth republics, this was/is contained in sections 44 and 45 of the 1979 constitution and sections 48 and 49 of the 1999 constitution. However, observable difference exists in the content of the two constitutions in terms of the composition of the Senate in particular. For instance, while each state of the federation was required to be represented by five elected Senators under the 1979 constitution, section 48 of 1999 constitution provides that 'the Senate shall consists of three Senators from each state and one from the Federal Capital Territory Abuja'. Representation in the House of Representatives, according to the provisions of the constitution, was based on the population strength of each state. However, while section 45 of 1979 constitution created 450 elective seats in the lower chamber, section 49 of 1999 constitution provided for 360 members representing constituencies of nearly equal population.

COMPOSITION AND ELECTIONS OF SENATE

The Senate is made up of one hundred and nine elected Senators. Based on the principle of equality of states, three Senators are drawn from each of the thirty-six states of the federation and one from the Federal Capital Territory, Abuja. The Independent National Electoral Commission (INEC) is constitutionally given the power to divide each State of the Federation into three Senatorial districts for purposes of elections to the Senate. Furthermore, the INEC is to ensure that the three senatorial districts shall fall within the state, and reflect a true delineation of the population of the state.

The 1999 constitution stipulates some requirements for elections to senate. The section 65 of the constitution which focuses on qualification for election to Senate specified clearly that "a person shall be qualified

for election as a member of the Senate, if he is a citizen of Nigeria and has attained the age of 35 years". In addition, such a person should have obtained at least a School Certificate level of education or its equivalent and should be sponsored by a political party of which he is a member. However, the clause barring independent candidate from contesting any INEC organized elections may likely give way when the ongoing constitution review process is concluded. To be sure, efforts are being made to alter the relevant extant provisions of the 1999 constitution to open participation in elections to both candidates sponsored by the political parties and non-party sponsored contestants.

Nevertheless, in line with section 66, a person shall be barred from election as a Senator if;

- a. he has voluntarily acquired the citizenship of a country other than Nigeria or, except in such cases as may be prescribed by the National Assembly, has made a declaration of allegiance to such a country;
- b. under any law in force in any part of Nigeria, he is adjudged to be a lunatic or otherwise declared to be of unsound mind;
- c. he is under a sentence of death imposed on him by any competent court of law or tribunal in Nigeria or a sentence of imprisonment or fine for an offence involving dishonesty or fraud (by whatever name called) or any other offence imposed on him by such a court or tribunal or substituted by a competent authority for any other sentence imposed on him by such a court;
- d. within a period of less than 10 years before the date of an election to a legislative house, he has been convicted and sentenced for an offence involving dishonesty or he has been found guilty of a contravention of the Code of Conduct;
- e. he is an un-discharged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Nigeria;
- f. he is a person employed in the public service of the Federation or of any State and has not resigned, withdrawn or retired from such employment thirty days before the date of election;
- g. he is a member of a secret society;
- h. he has been indicted for embezzlement or fraud by Judicial

Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set up under the Tribunals of Inquiry Act, a Tribunals of Inquiry Law or any other law by the Federal or State Government which indictment has been accepted by the Federal or State Governments respectively; or

- i. he has presented a forged certificate to the Independence National Electoral Commission.

The 1999 constitution retained the office of the President of the Senate, as a legacy of the second republic presidential constitution. Most importantly, the decision was perhaps motivated by the need to have a truly separate and independent assembly. The Senate president is elected at the same time with others, basically as a Senator and subsequently elected President by his colleagues by a simple majority of votes in the Chambers (section 50 (1)). Once elected, the Senate President is the topmost officer of the Senate and the first among equal. In fact, the senate president is the substantive head of the senate and presides over the plenary session of the chamber and all joint sessions of the national assembly in which he is present. He is the second in line for succession to the presidency (the first being the Vice President) and the third principal man of the federation. By this, if the position of the president of the federal republic becomes vacant and for any reason there is no Vice President to take over, the President of the Senate will have to take over until a new election is held to elect a new president according to the provisions of the constitution. Based on the provisions of the 1999 constitution, as amended, the functions of the senate president include:

1. Chairing the plenary sessions of the Chamber and the committees of the whole Senate.
2. Ruling on Points of Order.
3. Final interpretation of the Chambers rules.
4. Appointment of Chairs and members of the committees in consultation with the committee of selection, which he chairs.
5. He is the Chairman of joint sessions of the two Chambers.
6. He represents the National Assembly at ceremonial occasions.

The table below shows the Senators of the Fourth Republic of Nigeria

(1999-2013).

Name of Senate President	Tenure of Office	Party Affiliation
Evan Enwerem	1999 – 1999	People's Democratic Party
Chuba Okadigbo	1999 – 2000	People's Democratic Party
Ayinm Pius Anyim	2000 – 2003	People's Democratic Party
Adolphus Wabara	2003 – 2005	People's Democratic Party
Ken Nnamani	2005 – 2007	People's Democratic Party
David Mark	2007 till date (2013)	People's Democratic Party

Source: Collated from different documents by the author(s)

In order to perform its role efficiently, the senate has a number of other principal officers. These are; the Deputy Senate President; Senate Leader; Senate Minority Leader; Deputy Senate Leader; Deputy Minority Leader; Senate Majority Whip; Senate Minority Whip; Deputy Majority Whip and Deputy Minority Whip. A careful perusal of the roles mentioned earlier on reveals that customarily, the Deputy Senate President act with full powers in the absence of the President. While the Senate Leader leads debates on all government bills and measures, the Minority Leader seconds all formal motions moved by the Senate Leader. The Deputy Senate Leader acts in the absence of the Senate Leader. The Deputy Minority Leader acts in the absence of the Minority Leader. While, the Majority Whip organizes his party members for major debates and ensures discipline in the Chamber, the Minority Whip organizes his parties for major debates and ensures discipline among his members. Indeed, the national assembly and the senate in this case, is a well-organized and ordered institution.

It is important to note that the constitution makes provisions on how and when a presiding officer ceases to hold his or her office. This is captured by section 68 stating that the president of Senate or his Deputy will vacate his office if:

- a. he ceases to be a member of the Senate as the case may be, if not by reason of a dissolution of the Senate; or

- b. the House of which he was a member first sits after any dissolution of that House; or
- c. he is removed from office by a resolution of the Senate, by the votes of not less than two-thirds majority of the members of that House.

The last provision in fact enables the body to check any arbitrariness or excesses of its leaders. For instance, while two senate presidents were forced to resign in 1999 and 2005 respectively, one was impeached in 2000. By this, three senate presidents were removed from office between 1999 and 2007. The first senate president was forced to resign in 1999 over an alleged falsification of the credentials that he tendered to contest the senatorial elections. The second senate president that was forced to resign in 2005 had to vacate the office over allegation relating to graft. The third senate president was impeached in 2000 on allegation of over-invoicing of contracts awarded for some projects in the national assembly and extravagant spending of senate's funds. The impeached senate president and most other members of the house held the view that the impeachment of the senate president in 2000 was due to his position and believe that the senate should assert its independence rather than serving and working as an appendage of the executive organ. Many members, including the impeached president of senate, believed that the executive masterminded his impeachment because the senate under the impeached president was becoming too independent. To be sure, under the impeached senate president not only was the body getting assertive but also was becoming confrontational. This perhaps prompted the executive to mastermind his removal.

Despite this observation, it is important to point out that while the executive might not have been too comfortable with a very highly independent senate, it suffices to note that the senate president played into the hand of the president by not able to avoid his involvement in the financial impropriety that paved the way for his removal. Thus, while the internal operating rules and the provisions of the constitution confer a wide range of powers on the leadership of the senate, they equally make provisions to ensure that the president does not become dictatorial or abuse his office unnecessarily. While three senate presidents were removed before the end of their tenure as shown above, three others left the seat at the completion of their respective legislative tenure. Although the first

two senate presidents that were able to stay on until they completed their tenure inherited the position when it became vacant either as a result of resignation or impeachment of the occupant, the third senate president, David Mark, did not only occupy the position throughout the four years legislative session between 2007 and 2011 but also returned as the senate president again in 2011.

Unlike between 1999 and 2007 when on the average a senate president spent one year and six months in office, leadership stability was restored to the senate under Mark. This is perhaps due to his experience in the senate. For instance, while the senate presidents that presided before him lacked any form of previous legislative experience prior to their election into the assembly in which they became the president of the body, Senator David Mark only emerged the president of the body after his return to the senate on securing his third term. By this, he was elected to the position after eight previous years in the chamber. His understanding of the legislative terrain as well as his ability to work with the executive, without sacrificing the autonomy of the chamber has helped restoring stability to the chamber. Indeed, evident from his relationships with the members of the body he presides over on the one hand, and on the other between the senate that he leads and the executive, it showed that he has been able to strike a balance without unduly compromising the interest of the legislators. In addition, he has been able to avoid the 'banana peel' of financial impropriety that resulted in the premature removal of the three presiding officers that left the office under inglorious circumstances. While the level of friction between the senate and the executive has reduced significantly, very often however, the House of Representatives and the Senate work at cross purpose. The lower chamber appears often motivated by populism while the senate seems more pragmatic under the fourth republic.

It is important to point out that in all the three senatorial elections held after the transition elections of 1999, that is, the 2003, 2007 and 2011 elections, membership turnover was very high in the senatorial elections. This has made senatorial elections very competitive, although very expensive, every four years. Many potential challengers often joined the contest to compete with the incumbent. This has been very evident in almost every state of the federation. However, many interested and qualified individuals have often complained about the high cost of electioneering campaign

and other related activities as a stumbling block to their participation in the senatorial or other national elections. Turnover has been very high perhaps because incumbency has been of little or no advantage to members as evidenced by the number of incumbents that failed to return in 2003, 2007 and 2011. To be sure, 73 incumbents could not make it back to the senate because they did not receive the number of vote required to be elected in the 2003 election. Similarly, 83 failed in their re-election bid in 2007 (Fashagba, 2009). Consequently, in each of the three legislative elections held in 2003, 2007 and 2011 more than 75 per cent of members did not return. The large number of freshmen elected on each occasion meant that inexperience legislators usually dominated the legislature each time a new senate was inaugurated. A possible explanation for the high turnover rate may, in part, also be the result of the nature of the complexity and heterogeneity of most of the senatorial districts. The agitation for the rotation of a senatorial slot among the various ethnic groups in each district often made it imperative for the incumbent to vacate the position either voluntarily or being forced out. For instance, Tunde Ogbeha had to vacate the Kogi Central Senatorial seat after two terms thereby given other ethnic groups the opportunity to fill the slot. Conversely, the political power brokers in a district may stop the re-election bid of any incumbent at primary election. This was the case in Lagos in 2011 senatorial election when one of the three Senators from the state was stopped from contesting over disagreement with the party leader. Similarly, the former governor of Benue state (1999-2007) had to switch parties to seek re-election in an opposition party-ACN because he was denied return ticket by his party-PDP, after his first four years (2007-2011) in the Senate.

It suffices to note that the number of women elected into the senate has been consistently low since 1999. Historically, this has always been the case since independence. Under the current dispensation only a very negligible number of women were elected in 1999, 2003, 2007 and 2011. For instance, in 1999 only three (2.75%) female senators were elected. By this, the number of male senators was 106. Similarly, in the 2003 elections, men occupied one hundred and five of the one hundred and nine seats leaving just four seats for women. This represents 3.67%. There was a rise in 2007 as women occupied nine seats of the one hundred and nine (8.25%) (Sunday Trust, October 21, 2007 p.5). At the 2011 polls, only

seven (6.4%) out of the one hundred and nine Senators who emerged winners were women. The number of women elected as senators has remained consistently low perhaps because of the cost of electioneering campaign/activities and the hostile political terrain. Nigerian politics is often characterized by physical violence leading to the killing and maiming of political opponents. In an environment where political violence is prevalent only a few women who are either daring or have a very strong political backing would be willing to participate. Apart from the foregoing, there is the problem of cultural issue, especially in the North, where only a few women enjoy the support of their spouses to participate in politics. Considering these factors, therefore, women participation has remained largely unimpressive.

POWERS AND FUNCTIONS OF THE SENATE UNDER THE 1999 CONSTITUTION

The Senate was the creation of the constitution; it therefore draws its power and functions from the document. It is important to point out from the onset that under the provisions of the 1999 constitution, the two chambers have concurrent powers and thus share most powers vested in the national assembly. Consequently, while attempt will be made to discuss the powers vested in the legislature, using the senate as a reference point, we should however bear in mind that only in a few exceptional cases is the senate vested with some exclusive power. The question is what are the powers vested in and exercisable by the senate?

The legislatures, being the heartbeat of democracy, both at the central and state levels, were vested with the power to make laws for the respective levels of government. Although the National Assembly, as Dudley (1982) contends, is vested with the legislative powers of the federation, it does not have absolute power. Consequently, all laws enacted by the central or state legislatures are subject to review by the court under the 1979 and 1999 Constitutions. This is what the doctrine of supremacy of the constitution is all about. Beyond the power of the court also is the veto power of the executive. The 1999 constitution specifically defines the powers and functions of the national assembly. However, since our focus, in this chapter, is on the Senate we will discuss the powers and functions

of the national assembly with particular reference to the Senate under the fourth republic.

One of the most important powers of the modern legislative institution is the power to make law. Indeed, while most literature on legislative studies hold the view that the extent to which the law-making role of parliament or assembly is performed has declined in modern time, most writers still believe that although the extent of involvement of legislatures in law-making vary from state to state, the legislatures are still either a major or marginal participant in the law-making arena, depending on whether it is a legislature in a developed or new democracy. In line with the tradition of democratic practice the 1999 constitution vests in the national assembly the law-making role of the country after the restoration of democracy.

The purpose of this power is drawn in section 4 subsection 2 of the 1999 constitution thus: "The National Assembly shall have power to make laws for the peace, order and good governance of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part 1 of the Second Schedule to this constitution". However, for the defence of the Federation during times of war, the National Assembly has the power to make laws on matters that are not included in the Exclusive Legislative List as it deems fit (section 11(3)). The exclusive legislative list contains sixty-eight items on which the National Assembly can legislate. They include: accounts of the federal government and of the offices, aviation, including airports; bankruptcy and insolvency; banks, banking, bills of exchange; defence; nuclear energy; citizenship; diplomatic, consular, and trade representation to mention a few.

Similarly, the National Assembly has the power to legislate on any of the twelve items on the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to the Constitution. This part of the Schedule of the Constitution however defines the extent of the concurrent powers of the National Assembly and the State Houses of Assembly. Items on this list include; the allocation of revenue, antiquities and monuments, archives, collection of taxes, electoral laws and electoral powers (Festus C. and Paul King, 2005). In exercising the concurrent powers of the National Assembly and a State House of Assembly to make laws with respect to the same concurrent issue, section 4(5) provides that

the law validly made by the National Assembly shall prevail over that made by the State House of Assembly. Subject to section 7(6), the National Assembly is authorized to make provisions for statutory allocation of public revenue to local government councils in the Federation

Section 11 of the constitution also empowers the National Assembly to handle the functions of the State Houses of Assembly if for any reasons a state house of assembly is unable to do so; adding that this situation must continue until the National Assembly is of the opinion that the State House of Assembly can resume its law-making functions.

It is important to note that since these powers are vested in the national assembly, the Senate shares them with the House of Representatives. By this, the concurrence of the two chambers is required to validate all bills passed first by either of the two chambers. Indeed, either a measure emanates from the executive, senate or the lower chamber/house, if the house passes the bill first it must be transmitted to the Senate and if the senate is the first to pass it, the house must also pass it before it becomes law.

Thus, between 2003 and 2007, the number of bills received and considered by the Senate was four hundred and eighty seven (487). Out of the 487 bills received during the period, 126, constituting 26.49 per cent, were executive bills, and 237, constituting 48.67 per cent, were bills sponsored by members of the Senate while 26, representing 5.34 per cent, were initiated by members of the lower chamber. Out of the 487 bills taken only 132 were passed. However, the number of executive bill passed out of the 132 was 83. While this represented 62.88 percent of the total bills passed, the number of members' bill passed was 49 which constituted 37.12 per cent. What this suggests is that executive bills received more attention and treated much faster than members' bills. In other words, the Senate has been a major player in the law-making arena. Indeed, from time to time, the senate has in conjunction with the lower chamber introduced substantial amendments to executive bills. However, most often such actions have precipitated executive-legislature acrimony.

The law-making relevance of the Senate has also been evident in the annual appropriation making of the state. Like any other bills, the senate has often introduced substantial amendment to successive annual appropriation bills in conjunction with the House of Representatives. However, such amendment often spurred inter-organ acrimony, as evidenced by the

several avoidable executive-legislature disputes over annual budgets from 1999 to 2013 (Eminue, 2006, Fashagba, 2009, 2011). Thus, the senate has been very visible in the law-making arena since the restoration of democracy in 1999. However, while several members' bills have been vetoed by the president under the current dispensation none has been successfully counter-vetoed by the legislators. Perhaps the members deferred to the executive because they belong to the same party or because they could not muster the two-thirds majority required to override executive veto.

It is not out of place to mention that, using its legislative authority and power, the legislature, particularly the senate, was able to initiate the doctrine of necessity through which political power was transferred to the Vice President in 2010. This was a period when the new democracy was under an evident threat of reversal due to the prolonged absence of the president from duty without proper handing over of power (Fashagba, 2011). The Senate initiated the idea and was supported by the House to authorize the Vice-President to take over power and perform all presidential functions until the president recovered. This was necessitated by the inability of the president to abide by the constitutional provisions on handing over of power to his Vice. The provisions require the president to hand over to his vice if for certain reasons he will not be available to perform the functions of office for up to six months. Thus, through the intervention of the senate, constitutional order was restored and democracy was stabilized (Fashagba, 2010). The intervention was in line with the provisions of the 1999 constitution which vest in the legislature the power to make law for the peace, order and good governance of the federation.

Apart from its law-making power and function, the senate also enjoys the power to scrutinize government departments and agencies. Consequently, the senate created about fifty five committees parallel to government departments, ministries and agencies. These committees are responsible for scrutiny of executive branch. In carrying out their function of administrative scrutiny, government agencies or ministries were often invited to explain or clarify certain actions taken or not taken by them. Indeed, annually, budget defence is decentralized in such a way that the officers of each ministry or agency have to appear before their supervising committee to defend their financial proposal. However, some members of senate have often seen their committee role as a way of extorting money

from the committee they are overseeing/supervising. This was the case in 2005 when the Senate committee on Education solicited and received the sum of fifty million naira (\$312,500) as bribe from the education ministry it was overseen. The underhand financial deal was meant to induce the members of both the Senate and House committee on Education to jerk up the votes of the ministry of education during the consideration of the 2005 budget (Fashagba, 2009).

Apart from its law-making function the Senate also ensures oversight or scrutiny of administration. Indeed, over fifty Senate committees were created, parallel to the agencies, ministries and departments of government, with the responsibility of monitoring the government establishment under them with a view to ensuring that policy measure and appropriation approved by the Senate is implemented to the satisfaction of the legislature. To be able to achieve this, the 1999 gives the senate the power to invite any government officer saddled with the responsibility of implementing an approved policy to provide information or testify for the purpose of ensuring the execution of government policy as intended by any approved legislation or investigate abuse of power. Oversight of administration has been a major activity of most senators. This is perhaps so because oversight function creates an avenue for most members to secure contracts from government agencies and ministries (Lewis, 2009). As Lewis avers, most Nigerian legislators are contractors and this in fact explains why they struggle to belong to committees that they believe to be lucrative.

Nevertheless, through administrative scrutiny some Senate committees have succeeded on different occasions in exposing corruption and waste of government resources. For instance, it took the vigilance of a Senate committee in 2002 to expose the fact that the then Group Managing Director (GMD) of the Nigerian National Petroleum Corporation (NNPC) was spending about 2 billion naira (\$12,500,000) (1 dollar to #160) on Hotel accommodation and feeding per annum. The revelation led to the eventual removal of the GMD from office. Other corrupt practices in a number of government agencies and ministries were equally exposed through the investigation carried out by the various committees of the Senate.

However, some members have often found it difficult to stay clear of controversy. For instance, the Chairperson of the Senate Committee on Health was alleged to have illegally collected the sum of #10 million

(\$62,500) from the ministry of Health that her committee was overseeing. The money was used to fund a trip to Ghana to attend a seminar in 2008. This and other similar financial scandals have often portray the legislators in bad light. Beyond this, corrupt practices in an institution put in place to ensure accountability and transparency in government constitute a threat to the new democracy. To be sure, one of the reasons cited as spurring the military intervention of 1983 was the prevalence of corruption among elected politicians.

Other powers of the Senate include approval of diplomatic and ministerial appointments, judiciary appointments and removal of judicial officers at the Federal level. This power was perhaps given to the body to ensure that quality people are recruited to fill vacancies in public offices. Indeed, the senate has exercised the power in such a way that a number of executive nominees have been rejected. However, a few of those who were rejected did not make it not because they lacked the necessary qualification or experience, but rather because they were opposed by the senators representing their states. Most often, senators have complained that their state governors did not carry them along in nominating people from their state for federal appointment. The implication of this, most time, was always the opposition that such nominees faced during senatorial screening. This was the case in 2011 when the three senators from Taraba state opposed the nominee for ministerial appointment from their state. The candidate was subsequently dropped by the Senate. Occasionally, however, party politics plays a very prominent role in screening of nominees. For instance, despite the opposition of the senators from Lagos state against the nomination of Olusegun Aganga in 2011, the PDP dominated Senate cleared and confirmed him for the ministerial slot of Lagos. Lagos state is controlled by the opposition party-ACN. In August, 2013 the ACN merged with some parties under a new name-All Progressive Congress (APC).

Furthermore, it also approves states and local governments' creation and amends the constitution when necessary. The senate is also required to discipline and control its members in the Chamber. No member of the Senate can be sued or arrested for anything he says on the floor of the Senate (ASSECAA-Association of Senates, Shoor and Equivalent Councils in Africa and the Arab world, www.assecaa.org).

CONCLUSION

The Nigerian senate, as one of the chambers of the National Assembly, shares most of its powers, particularly the law-making power, with the House of Representatives. In only a handful of issues is the senate giving some exclusive power. The senate enjoys exclusive power of scrutinizing nominees for appointment into public offices. The senate has performed its law and oversight functions with zeal since 1999. Although the law-making and oversight functions have been handled satisfactorily from time to time, the leadership instability that was the hallmark of the chamber between 1999 and 2007 undermined the extent to which it delivered democratic goods during the period. In addition, the inability of some members to tame their acquisitive tendency had on different occasions led to avoidable scandals that put the chamber in bad light. Often, any reports bordering on financial impropriety only make the public to hold a dim view of the senate. Therefore, if the senate leadership can deal with members to avoid getting involve in financial scandal, just the same way it overcame leadership instability, it delivery of democratic goods will not only be enhanced, but also its ability to mobilize and secure public support on any national issues will be boosted.

AN ASSESSMENT OF THE CIVIL SERVICE AND DEMOCRATIC GOVERNANCE IN NIGERIA'S FOURTH REPUBLIC, 1999-2014

Felix Olanrewaju Awosika

INTRODUCTION

The civil service is a key instrument to the survival of any government and a major engine of national development. In a broad sense, the civil service provides a strong base for governance. Thus, the effectiveness and productivity of any government is largely determined by the efficiency of the civil service. As the administrative and technical support of the governing apparatus, the civil service remains one of the viable mechanisms for policy initiative or formulation, policy advice and policy implementation. This explains why Q'Connel (1981:164) aptly posited that "political leadership without administrative and technical support is power in a vacuum, and administration without political leadership is only tidiness in stagnation. It thus means that the civil service is a *sine-qua-non* in any political system because it constitutes the engine of development.

THEORETICAL FRAMEWORK

This study would be carried out within the theoretical framework of structural functionalism. This theory is an offshoot of the general systems theory and was popularised by Radcliffe-Brown and Gabriel Almond (Olaniyi, 1997; Enemuo, 1999). These scholars maintain that structural functionalism is a methodology of analysis which examines a system in

terms of the structures which compose the system and the functions being performed by those structures.

According to the proponents of this theory, structural functionalism can be described as a tool for investigating and explaining the basic functions of political structures in a political system. The structural functionalists maintained that for the development, stability and survival of a political system, some interrelated functions must be performed by certain structures of the system. These functions are broadly divided into input, output and maintenance and adaptation functions. On the input are the functions of interest articulation and interest aggregation. The output functions include rule making, rule application, rule adjudication and political communication. Also, for stability and continued survival, every political system performs systems maintenance and adaptation functions through political socialisation and recruitment of people (Almond and Powel, 1966; cited in Enemuo, 1999: 23). The structures that perform these functions are many and can take any form. They include political parties, interest groups, religious groups, the bureaucracy or civil service, legislature, executive, judiciary, among others.

From the foregoing theoretical analysis, some functions or relevance of the civil service to democratic governance and the survival of a political system can be identified. One, as the working hand of government, the civil service articulates and aggregates several public policy demands competing for government attention. These demands are streamlined to form government policy agendas. Two, during the policy formulation process, the civil service serves as the resource base and helps the political class with technical know-how in arriving at the best alternative in dealing with a specified public problem. Three, the civil service works with the executive arm of government in implementing and evaluating the impact of the policy so formulated. Lastly, the civil service helps communicate governmental programmes and policies to the public, while at the same time it aggregates public reactions to government policies in terms of feedback, which will guide future policy. However, it must be emphasized that other structures like the legislature and the judiciary concurrently help to carry out some of these functions in order to sustain the political system.

As elegant as this theory appears to be, it has been criticized for its over-reliance on stability and equilibrium or system maintenance. It looks

at the society as a stable entity with everybody living together harmoniously and with each structure performing its requisite functions. However, this contradicts the underlying principle of political studies which is premised on power relationships, producing more often than not conflicts and instability. In essence, structural functionalism in a way is anti-Marxist, which believes strongly in the existence of regular changes in society. The criticism notwithstanding, structural functionalism best explains the roles and contributions of civil service to good governance in Nigeria.

LITERATURE REVIEW

Montesquieu observed that “at the birth of new polities, leaders mould institutions, whereas, afterwards institutions mould leaders” (Putnam, 1993:26). Little wonder that Aiyede (2010) explains that governance stresses the conceptual nature of the management of collective action in a modern economy. He opines that the state needs to interact and co-operate with non state agents for it to effectively play its role in securing order and progress for the political community. Furthermore, he emphasizes the essence of governance as manager and guide in the concerted efforts involving government agents and other actors to ensure growth and development.

Similarly, as the United Nations Development Programme (UNDP), Global Human Development Report (2002) puts it, governance assumes that institutions, rules and political processes play a big role in whether economies grow, children go to school, whether human development moves forward or backward. Development is an institutional and political challenge (UNDP, 2002:51-52). However, Obasanjo (2000) opines that corruption was identified as number one enemy of development and progress, such that “combating corruption was easily the number one priority action of our administration...corruption is a cankerworm that has eaten into all fabrics of our society at all levels.” Thus, as President between 1999 and 2007, he laid the foundations for fighting this social malaise in Nigeria.

Thus, Onyebuchi (2002) submits that Nigeria’s fourth Republic laid the foundation for a change in attitude of the nation’s polity. According to Beetsch (2010), the 1999 Constitution gives the President and the

Governors the power to appoint and remove top civil servants like the Head of service and Permanent secretaries or the chief executive in any ministry in any ministry, department or agency of the government in Nigeria.

This is a clear departure from the previous arrangement or system where such positions are usually filled by career officials. He asserts that one of the key values of the presidential system is that 'the chief executive should be in charge'. However, democratic governance is good for economic prosperity translated into concrete citizen entitlements. Within the international community, democracy and governance are widely advocated as intrinsically desirable and important goals. The challenge for democracies therefore is not simply to strengthen downward electoral accountability so that vote-seeking politicians have an incentive to pay attention to the citizens' needs. It is equally important to endow the public governance system with the necessary capacity, technical skills and resources so that elected leaders can deliver things that most citizens want: food and nutrition, education, basic healthcare and sustainable livelihoods.

Recognizing the need for democracy and development, the challenge of developing societies like Nigeria is to make democratic governance work in terms of good public delivery system which truly impacts on the lives of the citizens. Development in today's age includes both economic growth and human development. Indeed, democracy eventually gives everybody a promise and a hope to be included in citizen's entitlement; the Nigerian Constitution constitutes the core promises of socio-economic justice to be progressively realized through enhanced state capacity in different sectors (infrastructure, education, health, urban civic services, etc). Although governments have a crucial role to play in achieving the Millennium Development Goals (MDGs) and reducing poverty, knowing how to obtain 'good' governments and 'better' policies is not as clear. How is it possible to explain that a government in one country can promote economic prosperity and equality? Whilst in other countries, governments are at best weak and at worst involved in plundering the country's resources? Democracy seems to provide part of the answer since the worst examples of development are usually not democracies. Although development-corporation highlights governance and institutional development as core and priority areas for cooperation, what is missing, however,

are guidelines and a shared methodological and political approach which can be used as a basis for cooperation activities. Everyone agrees on the guiding principles for governance (equality, transparency, participation, responsiveness, accountability, the rule of law and so forth), how to deal with these aspects is by no means as clear.

Governance is an area for which there is no rulebook or defined method. Apart from the universal principles, each country is involved in a unique process which is both the product of its specific history and a range of balances, challenges and power relationships between players that are constantly changing. According to Ousmane (2005), one of the causes of crisis of public action, and therefore, of governance in Africa, is the structural breakdown of post-colonial nation states and therefore the acceptance of a model and a lack of vision and aspiration for the continent. The construction of a democratic society, the fight against corruption and the production of wealth that can be shared in the interest of the common good cannot be achieved without values, standards and systems of reference that are well known, understood and accepted by the African people.

THE EVOLUTION OF THE NIGERIAN CIVIL SERVICE

Although the precolonial institutions existed in Nigeria might have had some semblance of service which could be equated with the modern civil service, the present Nigerian civil service can be said to have evolved during colonial rule (Tagowa, 1999; Balewa, 1994). It is an incontrovertible fact that colonial rule was the product of the insatiable appetite of the European economies for raw materials and markets for the processed industrial goods of Europe. Ekeh (1977) says that greed and lucre were the motive of colonizers. That is, the motive of colonial rule was essentially to maintain law and order and to create conducive environment for exploitation. Thus, the colonial government established a civil service with a limited objective of ensuring peaceful administration of the colonized people. At that time the service was principally dominated by colonial officials as Nigerians were deliberately excluded in the service, especially in the senior cadre (Nicolson, 1966).

According to Olowu, *et al* (1997) three features characterized the colonial phase of the civil service. The first was the domination of the upper

echelon of the civil service - so called senior service posts - by Europeans. Second, there was concentration of all power (executive, judicial and legislative) in the hands of appointed officials to run the affairs of the colonial territory (Adamolekun, 1986: 33). The third feature was that the colonial service co-opted traditional rulers in administering Nigeria. The system of relying on traditional rulers - known as indirect rule - served the triple purposes of cost savings to the colonial power, making colonial rule more acceptable, and assigning the traditional rulers as key agents of tax collection. Each of these features provided a rallying point of opposition especially among Nigerian politicians and those engaged in popular resistance. Taken together all these stimulated the need for constitutional and civil service reforms preparatory for independence. The two major constitutional reforms in the ten years preceding independence were adumbrated in the 1951 and 1954 constitutions. The former provided for the establishment of federal and regional legislatures which increased involvement of Nigerians in political process and for the appointment of Nigerian ministers to exercise executive powers with the appointed Governor and Lieutenant Governors for the federal and regional governments respectively.

The 1954 constitution promulgated Nigeria as a federation, with a federal government at the centre and regional government for each of the three regions. This resulted in the creation of a federal civil service for the centre and regional civil service for each of the regions, and corresponding establishment of public service Commission for each tier of government (Olowu, 1996). Thus, from 1954 up to independence, each of the four civil services acquired a number of characteristics unique to their circumstances, though they exhibited some common features. Firstly, there was a commitment to Nigerianization of the civil services even though the pace was uneven among the various governments. For example, the pace of Nigerianization was more rapid in the Western and Eastern Civil Services than in the Northern and Federal Civil Services. While the Western and Eastern Regions were more preoccupied with Nigerianization policy, the Northern Region was more concerned with Northernization of the region's civil service for the obvious reasons of fear of domination. Second, they all relied to a very great degree on expanded training programmes as a vehicle for bringing Nigerians into

the professional and administrative grades. Third, there was commonly shared commitment, if not rigorously enforced, to the concept of a career civil service (Olowu, *et al* 1997).

The evolution of the federal Civil Service from colonial rule to the present reflected the political transitions that the country has witnessed. While the colonial civil servants - consisting the British and Nigerians - served at the behest of the British Monarch. From independence in 1960 and thereafter, the federal civil service has served as professional public body. Thus, as career public servants, the Nigerian federal civil service officials perform their duties with political neutrality, anonymity and impartiality. In practice, the conduct of the higher civil servants in particular has not consistently conformed to these attributes. For example, it has been observed that during the period 1960-66, the civil service operated under the protective shield of the politicians earning the civil service institution the enviable title of the country's real achievement since independence (Olowu *et al*, 1997).

However, during the first phase of military intervention lasting 13 years 1966-79, two patterns emerged in regard to the role of the higher civil servants. Between 1967 and 1975, the higher civil servants dominated the policy process, leading to virtual loss of the attributes of political neutrality, anonymity and impartiality. By contrast, over the period 1975-79, the role of civil servants in the policy process was less pronounced (Adamolekun, 1986). A major development that has contributed to the rather diminished role of the civil servants in policy making is the massive retirements undertaken by the military twice in 1975 and 1984. The ostensible reasons for these retirements popularly referred to as 'purges' of the civil service included getting rid of officials believed to have had divided loyalty, low productivity, or advanced in age (Olowu, *et al* 1997). In fact, one of the key but unstated purposes of the 1975 purge was to remove certain category of higher civil servants - the 'super' permanent secretary; so-called for the significant influence they wielded in the public policy making in the 1970-75 period (Ibid).

THE CIVIL SERVICE IN THE FOURTH REPUBLIC

Nigeria returned to a democratic presidential system on May 29th,

1999, after a long period of military interregnum. With this development, there were renewed hopes of rapid socio-economic development and consequently better life for the citizens. However, the civil service that is expected to be the engine driving the developmental process in the Fourth Republic is weaned in authoritarian culture particularly with its long romance with military personnel during military rule. This observation must have led Olusegun Obasanjo to posit that:

Public officers are the shopping floors of government business. Regrettably, Nigerians have for too long been feeling short changed by the quality of public service delivery by which decisions are not made without undue outside influence, and files do not move without being pushed with inducements. Our public officers have for long been show cases for the combined evils of inefficiency and corruption, whilst being impediments to the effective implementation of government policies, Nigerians deserve better (Obasanjo, 2004).

The state of near collapse of the civil service must have informed the reforms embarked upon by the Olusegun Obasanjo led administration. These reforms include but not limited to monetization policy, professionalism of the civil service, establishment of anti-corruption bodies like the Economic and Financial Crimes Commission (EFCC); Independent Corrupt Practices Commission (ICPC) and the enhancement of the Due Process Unit in the Presidency. In terms of structural changes in the service, the Budget Office was separated from the Federal Ministry of Finance while the Department of Administration and Supplies was put in charge of contracts award while Department of Finance and Accounts was in charge of payment of contracts. This arrangement is to allow for transparency in the handling of activities of different departments of government (Omitola, 2012).

The monetization policy involves the conversion into cash all the fringe benefits accruable to civil servants. Before, these benefits involve government providing free accommodation and its maintenance, furniture, transportation and chauffeur-driven vehicles, payments for utilities in the official residences/quarters, meal subsidy, domestic servants' allowance, leave grant and reimbursement of medical expenses to senior public/civil

servant. The essence of monetization policy is to reduce the financial cost of governance, especially wastages associated with careless spending of government money. For instance, it would reduce the fraudulent practices of the past, which sees government property as nobody's property and the tendency not to maintain such property properly. The policy however generated a lot of reactions among which are that it did not give room for some adjustment period for civil servants before its full implementation and that selling government property through bidding result in pricing them out of the reach of civil servants who ought to have been given priority over other bidders.

In spite of the foregoing, it should be noted that the monetization scheme the advantages of reducing the cost of governance especially in the long run and thus attests to some of the good side of deregulation efforts of the Obasanjo Administration (Omitola, 2012). By leaving government quarters and living among the populace, it has added advantage of engendering a better understanding of the problems and challenges facing the people and this will impact positively on policy formulation than the hitherto alienating posture of civil servants towards the public in the past (Ibid). However, a major defect of the monetization policy is the introduction of severance payment to public officers, which is likely to undermine all the gains that are supposed to have been made. In fact, this is now the precarious situation that the country finds itself. Even with the bad economic situation, over seventy percent of recurrent expenditure of the country is being used to maintain public officers in terms of severance allowances.

Another enduring reform of note in the fourth republic is the introduction of contributory pension scheme. According to Omitola (2012: 147), "the need for the pension reform came as a way of finding a lasting solution to the problem of pension payment in the public sector." Thus, the Pension Reform Act gives legal backing to the contributory pension scheme as a way of allowing for monthly deduction from workers' salaries. This is to involve public servants by contributing a percentage of their current salary to a 'Fund' that will eventually becomes their pension at their retirement. By this, it is believed that it will allow for consistency, reliability and availability of funds for pensioners as at when due. However, laudable as the scheme looks, certain dangers loom in the horizon. These

include the capacity of the succeeding governments in the country to continue with the scheme, while the attempt by the Federal Government to merge the private sector pension scheme with the public sector under the new arrangement will make it too unwieldy and therefore difficult to manage (Ibid).

Worthy of note also is the reform Goodluck Jonathan's administration sought to bring to the civil and public services through the Steve Oron-sanye's Committee on public service reform (*The Punch*, March 3, 2012). Recognising the fact that the public sector is too large and over-bloated to be effective and efficient, it therefore recommended merger and/or scrapping of some agencies and parastatals by government. Perhaps, due to the sensitive nature of these recommendations and political exigencies (the recommendations came in an election year), the government decided to jettison the recommendations of the committee.

CIVIL SERVICE AND THE CHALLENGES OF DEMOCRATIC GOVERNANCE 1999-2014

Civil service possesses certain characteristics that stand it out in relation to other state institutions. These, according to Olugbemi (1979), include: an abundant supply of technical skills, a capacity for large scale management, a disposition to accept and try new ideas, a time sense that makes it more interested in the present and the future than in the past, better sense of punctuality and a greater concern for planning, organization and efficiency, the tendency to see the world as a calculable, faith in science and technology and belief in distributive justice as the ultimate goal of the State. These are very flattering qualities supposedly possessed by the civil service. But the reality, especially in Nigeria, actually deviates from these norms.

What are the challenges civil service pose for democratic good governance in Nigeria? The first noticeable problem is corruption. This seems to be institutionalized in Nigeria and traceable to long military rule characterized by general lack of accountability. The establishment and activities of ICPC, EFCC and other similar agencies are geared towards solving this problem. However, their activities still remain feeble due to lack of serious political will and commitment. Any meaningful attempt at fighting

corruption in the Nigerian public service must ensure that all segments of the society are committed to the cause (Omilola, 2012). This must have informed Aiyede's submission that "integrity in public service can only be fostered where top-level officers model ethical behaviour and require it from others in the organization" (Aiyede, 2003).

Second is the crisis of godfatherism. Given the economic crisis, the population growth and the ever diminishing job opportunities in the private sector of the economy, the civil service remains the major employer of labour in Nigeria. However, the civil service jobs are not readily available as most employments are on man-know-man basis. Thus, because of the paucity of job opportunities, an individual needs a father-figure in the ministries or must be well connected to politicians to get placement in the civil service. At times, the individual has to financially induce the godfather to get employed into the civil service. What this does immediately is to put square pegs in round holes in the public service as merit is thrown overboard in recruitment process. The other implication of this is that the individual recruited through this process goes into the public service to do the billings of her/his godfather. Also, someone that pays his way into the civil service will do everything possible to recoup his investment through hook or crook. This further exacerbates the problems of corruption and governance crisis in the civil service. Little wonder that Omotoso (2013: 129) argues that "godfatherism is threatening governance and democracy in Nigeria, frustrating the people and affecting the capacity of the government to develop the country". He argues that what should have been used for development is misappropriated to maintain and appease these godfathers. And the crisis this phenomenon engenders between the godfather and godson has been seriously dysfunctional to the stability and development of the state.

The third problem is related to the above and this has to do with the federal character principle, which while legalizing 'quota' system or representative bureaucracy has thrived at the expense of merit. This partly explains the general ineffectiveness of the civil service. Apart from promoting mediocrity, it has also worked to engender feelings of marginalization for the groups that have been severely affected by the implementation of the programme. Thus, while commenting on the capability of federal character to retard the progress of some groups in the country, Momoh

notes that:

We do not have to make a poor man rich by making a rich man poor. The aim should be to make a poor man as rich as wealthy in our midst. Our politics of envy that seeks deliberately to retard the progress of those who are making sacrifices to obtain their level of development in order that the less developed can catch up will impede rather than accelerate the process of national integration and cohesion (Momoh, 1996, cited in Omilola, 2012)

Within the context of the above arguments, it can be deduced that the emergence of the Nigerian Fourth Republic, which lays the foundation for new Nigeria in terms of a change in attitude of the nation's polity is not in itself so transformed. It is painful that the governing elites have decided to be consistently inconsistent in their promises and blue-paper democratic dividends. The Nigerian leadership cannot be permitted to continue to loot public office as the case has been from the beginning of the so-called 'genuine democracy' in 1999. On this note, it is hoped that the civil service will yet undergo another reform.

CONCLUSION AND SUGGESTIONS

Today, the Nigerian state and people are still faced with the challenge of good governance. There is, therefore, the need to embark on realistic, workable and practical reforms that have human face rather than the usual cosmetic approaches. First of all, there is need for the government to create enabling conditions of service. This has to do with ensuring adequate pay package and other economic initiatives. If this is duly and religiously implemented, civil servants would be discouraged from using unethical means in getting economic benefits from clients and the public in general.

Another realistic approach in the reform process should focus on the restructuring of the civil service to avoid unnecessary duplication of ministries, departments and agencies of government. This will definitely prevent waste of resources in the system.

The concept of public administration assumes acceptance of the principle of separation between public authority and administration. A state

cannot be re-established on the principle of good governance whilst also continuing to allow politicians total freedom to act as they wish. The main problem that needs to be resolved is that of delegating powers in such a way as to avoid politics interfering in administrative decisions. In a system where resources are precarious, corruption is widespread and no separation between public and private interests are evident, training programmes are essential requirement.

How can an administration that is confronted with illegal requests be protected from pressure if those making the requests try to by-pass the system? How resistant is the administration? Obviously, some form of official stability is needed. But this is not the only response required: an official status cannot replace a hierarchy of functions; an evaluation procedure must also be implemented to ensure that employees are always aware that they risk serious penalties if they break the rules, no more room for flagrant impunity

It is imperative that responsibilities are outlined in clear contracts, work methods are sufficiently transparent (system of checks), accounts are rendered and that employees are aware that their actions and attitude can have either a positive or negative impact on their career. Structures also need to be set out to meet the needs of the actual situation while the framework needs to be overhauled on the basis of public service missions and the volume of activity. Consequently, the chain of command must be clearly outlined, recruitment objectified, wages linked to assessment and tensions that bring the principles of universality (which inspires public governance) and cultural practices into conflict resolved.

The picture being painted of the civil service may appear rather gloomy; however, there are positive aspects which brighten up the picture. Successive government has made reform of the civil service its priority. Its will to restore good governance and democratic values sends out a strong signal to the Nigerian people. In an extreme difficult context, the service providers are asked to adopt responsible, ethical and civil attitudes. Each level of the civil service must oust informal practices; impunity will no longer be a valid excuse.

Another reason to believe in the present day civil service is that it is made up of highly-qualified men and women. If they are provided with training and their motivation is boosted these officials can stimulate the

revival of the Nigeria state.

Finally, there is also the need to promote sound policies on recruitment, training and retraining of civil servants for effective service delivery. These policies will contribute immensely to enhancing and promoting professionalism and ethical values of honesty, integrity, confidentiality, political neutrality, accountability, discipline and transparency in the conduct of government business. Recruitment and promotion or advancement on the job should be strictly based on meritocracy, performance and achievement.

Additionally, civil servants must be well disciplined and equipped. Rules and regulations should be adhered to and the interest of the service must be paramount. Senior officers should prescribe codes of conduct which they themselves can and should comply with. Those who wish to lead other people should always remember effective leadership requires exemplary character, hard work and transparent integrity. Junior officers should be familiar with government regulations and rule regarding good conduct. They must learn to obey lawful orders and established authority.

Civil servants should be loyal to government which has given them the opportunity to serve it. No officer or employee should assume that he has the right to receive wage without giving adequate service in return. Government has no obligation to retain inefficient or disloyal element in the service. As a matter of fact, civil servants should be honest in doing their duties and in their dealings with the public. They should realize that they are paid salary for the duties which they perform; this means that they should be conscientious on duty and demand or receive nothing in money or kind from anyone in the performance of their duties. Again courage is one of the greatest assets to the best civil servant. The exhibition of this quality takes many forms. It may be shown in working hard in every busy post for there is really no reason to fear hard work. Civil servants should acquire the courage of working hard. They should not hesitate to take over an extensive schedule of duties.

WOMEN AND THE POLITICS OF REPRESENTATION IN NIGERIA'S DEMOCRATIC GOVERNANCE: AN ANALYSIS OF THE LEGISLATIVE ELECTIONS FROM 1999 TO 2011

Oluwaniyi, O. Oluwatoyin

INTRODUCTION

The issue of gender equality in politics has been a long standing issue. As far back as 1869, Stuart Mill, in his seminal work, titled "The Subjection of Women" (1869) argued that 'women are equal to men in terms of abilities'. This argument emerged as the classical liberal viewpoint about women's autonomy in the public space and the need for the state to abolish gender segregation of occupational roles for the achievement of women's equality in economic and political power (Bergmann, 1974, Reskin, 1988). Subsequently, the focus on the political agenda of most countries centred mainly on the 'under-representation of women' and how to promote global gender equality within elective positions (Lovenduski et al, 2005: 217).

Through the First World Conference on Women in Mexico City in 1975, international commitments to gender equality, equity and women's empowerment were reaffirmed at different United Nations conferences, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979 and the Beijing Platform for Action (1995), which declared 30% affirmative action for women in political positions, power and decision making (Tripp, 2006: 3). The affirmative action further prodded countries to increase the number and level of women's participation in decision making, however, none came

close to proportionately representing women, who make up over half of their countries' populations. In other words, women's high population level compared to men, has not affected women positively in realizing the critical mass in legislative representation. The low representation resulted in the slow progress made in the advancement of women (UNDP, 2000).

In the study conducted by Tripp in 2006, statistics of women's representation in countries' democratic governance across regions revealed that Africa with 11.5%, lagged behind Europe (13%), Nordic countries (39%), and Asia and Americas (15%) in Affirmative action. Even in recent times, African women are not only underrepresented in politics, they constitute victims of repressive public policies, political violence, domestic violence and economic deprivation (Awe, 1990: 9-13; UNIFEM, 2010; Lawless and Fox, 2012). The result is that women still make up a far greater portion of the poorest and most marginalized group than men in Africa (Gender and Development Network, 2015).

Worse still, West Africa lags behind other sub-regions in Africa going by their current rankings. For instance, countries like Rwanda, Uganda and South Africa pulled 1st, 7th and 38th positions respectively in gender representation in global politics compared to Nigeria, which ranked 125th out of a total of 189 countries in 2012 and 117th out of 189 countries in 2010 (IPU, 2012; IPU, 2011). These unhealthy rankings only show that Nigeria is one of the countries in West African sub-region with serious gender gaps in legislative positions (World Bank, 2015), in spite of its place as the most populous country in Africa, 7th position in the global economy of crude oil, and active external roles within Africa and beyond. However, it has been asserted in a cross country survey done by Norris and Inglehart [2003] that countries' wealth does not necessarily affect the proportion of women in national parliament. In fact, poorer countries perform better in relation to women's representation in their national parliaments as examples of Cote d'Ivoire (24%), Liberia (11%), Mozambique (39.6%), Rwanda (64%), and Sierra Leone (12%) have shown, compared to Nigeria's 7% allocation of seats to women in parliament (Munyaneza, 2013; Lusa, 2015; World Bank, 2015). It is within this context that it has become urgent to critically analyse the elective representation of women in Nigeria's legislature, measures put in place to reduce women's underrepresentation and the underlying factors responsible for the low electoral

outcomes, especially from 1999 to 2011. This article, in its final analysis, makes holistic suggestions, necessary for promoting gender equity in elective positions and decision making arena. The major focus of analysis in this article is the legislative arm because it serves as the policy-making arm of the government in any democratic setting. Election of women into the legislative arm represents therefore, their legitimacy to contribute to decision making policy for their constituencies in which they are accountable, unlike appointments into other government's bodies.

This chapter is been divided into five sections. Apart from the first section that provides and introduction to the chapter, the second section engages in a conceptual analysis of democracy and gender representation. The third section examines women's representation in Nigeria's legislative elections, especially focusing on the elections from 1999 to 2011. The fourth section examines measures put in place to address women's underrepresentation between 1999 and 2011 general elections, and factors impeding on the successes of those measures elections. The last section includes the conclusion and recommendations for addressing identified factors inhibiting women from gaining access as well as participating in elective political positions.

CONCEPTUALISING DEMOCRACY AND GENDER REPRESENTATION

Democracy has emerged as one of the concepts in the 21st Century politics. Though the concept has long been defined by scholars from the Greek period, current writings reveal that it is a political system, which supplies regular constitutional opportunities for changing government officials, and a social mechanism that permits the largest possible part of the population to influence major decisions by choosing among contenders for public office. It is governance achieved rather than governance ascribed by status (Lipset, 1994: 27; Aremu, 1997). Scholars have argued that democracy is built on justice in relations between the people and the government, freedom, equal treatment of citizens, men and women alike, by the society, protection of basic liberties, and the participation of the people in choosing those in government (Nwabueze, 1993: 2; Nnoli, 2003: 143). The liberal view of democracy usually embraces such notions

as popular sovereignty, popular consent, political equality and representative government (Joseph, 1999: 16). As a result, it is usually promoted as the most favorable regime for gender equality whereby men and women, act as representatives of the people and have the ability to make political decisions that will affect the whole state. Representation in this sense, involves how power may be distributed, the principles by which it may be distributed and the principles by which it may be exercised in a particular society (Pitkin, 1967: 9). This definition therefore encompasses some degree of democratic ethos in participation. It also demonstrates the capacity of a free society which allows for expressed group participation in the decision-making processes, including equal gender representation. It involves activities such as holding public office, contesting for political position, attending election campaign, voting and exposing oneself to political stimuli (Erunke and Shuaibu, 2013: 5).

The importance of equal gender representation for the building of a democratic state has indeed been advocated by Wollstonecraft as early as 1791. In her book *Vindication of Rights of Women*, Wollstonecraft (1791:127) proclaimed that if the modern world is to be free of tyranny, not only must the divine right of kings be contested but also the divine rights of husbands' as well. Wollstonecraft's statement sets out a deeply rooted connection between the possibility of citizenship and participation in government on the one hand and obstacles to such a possibility anchored heavily in unequal gender relations on the other. Her argument is that there can be little if any progressive political change without restructuring the sphere of the private relations, and there can be no satisfactory restructuring of the private without major transformations in the nature of governing institutions." In most advanced countries, the 'under-representation' of women is considered to be a problem because balanced participation is perceived as being a condition for or a founding principle of equality, while at the same time it reflects the under-utilisation of human resources (Meier and Paantjens 2004). Countries clamour for gender equality through appeals to democracy. But support for gender equality is not considered as just a consequence of democratization, "gender equality is a central component of the process of democratization and the prerequisite for the creation of a sustainable democracy.

In practice, gender roles are usually displayed and established through

tradition and socialization that are socio-culturally constructed and, which determines attitudes and people's lifestyles. Interestingly, this tradition reveals male domination of women in all spheres (Shapiro, 1991; Kira, 2003; Ajayi, 2007, Enemu, 2005). The role differentiation between or stereotyping of men as strong and fit for the public space and women as feeble, domestic in nature and vulnerable to face the public brouhaha, has brought about major distinctions that continue to sideline women to the periphery of politics, economics and social life, inclusive. This tendency has undermined the apparent role of women in politics, thereby according them low level of participation and representation in the political scheme of things in the 21st century in contradiction to studies that have shown correlation between gender-sensitive governance and gender equality. The exceedingly low ratio of women in politics is a phenomenon for developing democracies like Nigeria and therefore, deserves attention.

AN OVERVIEW OF WOMEN'S REPRESENTATION IN NIGERIA'S LEGISLATURE PRIOR TO 1999

The issue of gender equality and women representation in national parliament has been a long-contested concept in Nigeria. Women played essential political roles in their various communities prior to colonial rule, though in varying degrees. Despite the fact that inequality between men and women's political roles was markedly strong, studies are replete with women's occupation of roles and positions complementary, rather than subordinate, to men (Ekejuba, 1967; Mba, 1982: 37; Awe, 1992: 11; Ikpe, 2004: 23; Duke, 2010; Bucknor-Akerele, 2001:18; Afonja, 1996; Nwalutu, 2006; Threadcraft, 2010). To Olojede (1990), such sex structure determined gender position, status and power in the society, and provided women with their own spheres of operation and control (Denzer, 1995; Awe, 1992; Amadiume, 1987).

These pre-colonial roles reduced markedly with the introduction of European colonial rule. Colonizers could not comprehend women's involvement in substantive political activities, rigorous public life and their independence. Obviously, there was sex role redefinition by colonial powers to the extent that women were not allowed to vote, contest elections, sit in parliament, or employed in the civil service (Mba, 1982: 390). As part of

women's alienation in the colonial era, the first national election, known as the 1922 legislative council elections deliberately excluded women from being elected or nominated. The alienation marked the beginning of masculinity of politics in contemporary Nigeria (Ajayi, 2007: 137-138). However, women's collective powers, which were navigated through the market systems and other informal systems that were not destroyed by colonialism, especially in the eastern and western parts, played extant role in changing colonial perceptions about women and their roles in the public space (Oluwaniyi, 2011: 95-96). But it must be noted here that the system of religious seclusion of women in Northern Nigeria, prevented the establishment of organized women's associations, therefore, denying them the capability to develop political solidarity like Southern women (Cohen, 1969). Southern women's collectivism paid off with first, the changes that were noticeable in women's participation in the political parties that emerged from the late 1920s¹⁰³ and second, the extension of the elective principle in 1951 Macpherson Constitution, which opened the political space for women to participate as elected representatives. Notwithstanding women's presence, most of their positions were only appointive and therefore, it was difficult to test the level of competitiveness and acceptance in comparison to men (Bucknor-Akerele, 2001: 20; Smith, 2008; Abati, 2011). For instance, Remilekun Aiyedun (Action Group) was appointed into the Legislative Assembly in 1953 as the first female legislator in West Africa and in 1956, Oyinkan Abayomi, the founder of Nigerian Women's Party, was appointed to the Western House of Assembly and Margaret Ekpo was appointed to the Eastern House of Assembly (Bucknor-Akerele, 2001: 20). Colonial domination mangled women's pre-colonial political gains up to the 1950s. By the time political space was opened for women through the principle of representation in 1951, their male counterparts had successfully taken over political affairs, leaving women with little opportunity to bargain elective positions shortly before and after independence.

¹⁰³ Women participated in political parties as praise singers of men and party supporters. Nevertheless, the struggles of some women such as Funmilayo Ransome-Kuti, who formed the National Council of Women Societies (NCWS), which formed the platform to galvanise women's participation in elective political process, cannot be undermined.

From 1960 till 1999, the level of representation of Nigerian women in legislative elections was abysmally low partly due to the interjection of democratic governance by military rule that perverted the public space from 1966 to 1979 and 1983 to 1999. Military rule is antithetical to democracy no matter how it is packed or unpacked. Where military rule bolsters ruling parties, there is little scope for women's engagement because the rules of these institutions explicitly deny women's full right of participation. It is therefore, not surprising women held less than three percent of legislative positions in Nigeria during the transition from military to civilian rule (Okome, 2010:10).

WOMEN'S REPRESENTATION IN THE LEGISLATURE FROM 1999-2011: A BROKEN MARGINALITY?

The emergence of democratic governance from 1999 opened up the political space for men and women to contest political positions. This period is remarkable in several aspects. First, the 1999 elections took place against the backdrop of advances in democratic governance and competitive elections held across Africa from the 1990s. Second, it coincided with the global agitations for affirmative actions, which set 35% quota (or referred to as 'wonder-bras quota'¹⁰⁴) for women's representation in political decision making. Third, from 1999 to 2011, Nigeria experienced consistent democratic governance without military or violent interruptions. The latter further makes it easier to conduct a study of this nature.

In Nigeria, several efforts played important roles in influencing women's political participation in elective positions. As earlier pointed out, the role of the Beijing Declaration cannot be ignored in prescribing the 35% affirmative action. This measure influenced in no small way, the African Plan of Action (ECA, 1999) proposed to address and resolve issues identified as posing serious constraints to the implementation of the Beijing

¹⁰⁴ The phrase was used by the Conservative party (PP) in Spain when the quota system issue was raised for women's participation in politics in 1996. Cited in Petra Meier, Emmanuela Lombardo and Maria Bustelo, 2005, 'Gender Mainstreaming and the Benchmarking Policy of Women in Political Decision-making' *The Greek Review of Social Research*, Issue 117, pp35-61.

Declaration in Africa; the establishment of the National Commission of Women in 1995 (but now Ministry of Women Affairs) by the military regime through Decree 30; and more recently, the 2008 National Gender Policy (NGP) brought into force to help push the affirmative action into the front burner. Influenced by these measures, the need to legitimize the government and to curry more votes during elections from women who constitute almost half of the total number of electorates, made it a strategic issue for political parties, especially, the People's Democratic Party (PDP) to make women political actors by exempting their female members vying for electoral positions in Nigeria from paying for nomination forms, which were very expensive.¹⁰⁵ Most importantly, the role of the civil society was immense in transforming women's political agenda in Nigeria in addition to assisting in eliminating all socio-cultural and political practices that discriminated against womanhood (Olojede, 2004: 121-122).

Interestingly, after the 1999 elections that saw three main political parties competing for political positions at the local, state and national levels, the electoral body, Independent National Electoral Commission (INEC) approved the emergence of several political parties in 2003 (25), 2007 (50) and 2011 (56) respectively. The increasing number of political parties cum the concretisation of the 35% affirmative action gave women the leeway to join preferred parties and compete favourably with men for various positions within and outside the parties. These measures succeeded in encouraging several women across ethnic and cultural divides to join political parties and contest for elections, thereby, debunking Lawless and Fox (2010) argument that women are less likely to consider running for office; less likely to receive encouragements to run for office; and less likely to believe they are qualified to seek office. However, it has been observed in advanced countries, where increasing number of women have participatory role in political parties, that there is no correlation between joining political parties and winning elections into political decision making

¹⁰⁵ In 2011, PDP waived the nomination fees for women but made it compulsory for them to pay N1m for presidential aspirants, N500,000 for gubernatorial aspirants, N200,000 for senatorial aspirants, N100,000 for House of Representatives aspirants and N100,000 for House of Assembly aspirants as 'Expression of Interest.' See Vanguard, September 16, 2010.

positions in the parliament. Could it have been different in Nigeria? Did increase in women's participation in the political space have any proportional outcomes in elections and subsequently, representation in legislative assemblies at state and national levels?

Nigeria practices a federal system of government with a bicameral legislative feature modelled along the United States political system. The bicameral legislature signifies a two-house decision making body at the federal level, aimed at avoiding concentration of power in a single body, which may result in the abuse of the whole system. Known in popular parlance as the Upper and Lower houses (or chambers), while the Upper House is referred to as the Senate, the lower House is known as the House of Representatives. Representatives are elected into these policy making bodies for effective administration. But a single house system (unicameralism) is maintained at the state level. Evidently, 1999 elections revealed a gradual increase in the number of female contestants into the national and state legislative houses (House of Representatives and the Senate). By 2011, the interest bolstered. Nevertheless, there was a gradual downward movement of female representatives into the houses. Shown below in Table 2, is the outcome of elections from 1999 to 2011 and vis-a-vis, the number of seats won by women.

Women's Representation in Legislature (1999-2011)

Table 2

Senate	Total No of Seats	Men	Women	% of men	% of Women
1999	109	106	3	97.2	2.8
2003	109	105	4	96.3	3.7
2007	109	100	9	91.7	8.3
2011	109	102	7	93.7	6.4

Table 3

House of Reps	Total No. of Seats	Men	Women	% of Men	% of Women
1999	360	348	12	96.7	3.3
2003	339	318	21	94	6
2007	358	333	25	93	7
2011	360	348	12	97	3.3

Source: The Nigerian CEDAW NGO Coalition Shadow Report (2008); Okoronkwo-Chukwu, I. (2011: 41)

In 1999 general elections, three women were voted into the Senate out of a total of 109 members compared to the 1992 elections during military era in which only one woman was elected into the Senate out of 90 seats. In the HOR, women held seats only 12 out of 360 seats (IPU, 2009). In 2003, there was a significant increase with 21 women in the HOR compared to twelve women recorded in 1999 elections, but there was no significant difference in the Senate representation. From 2003 to 2007, there was an appreciable increase in the number of seats allocated to women in the legislative houses. From Table 2, it would be observed that there were 9 female senators out of 109 members elected into the Senate in 2007 compared to 4 in 2003 and 26 female members in the HOR in 2007 compared to 23 in 2003.

In the 2011 elections, the results were much lower than 1999 election results in spite of the much touted 35% affirmative action expected to bring about gender parity, coupled with the consolidation of democratic politics and lastly, the large number of female candidates that won the party primaries and contested for elective positions (Irabor, 2011: 5). Out of the 109 Senate members, only 7(6.4%) positions were held by women, reducing the number of female representation in the Senate and in the HOR, a 4% drop was observed from what obtained in 2007 with only 12 women occupying the legislative seats as against 25 women in 2007.

*Women's Representation in State Houses of Assembly, 1999–2011**Table 4*

House of Assembly	Total No. of Seats	Men	Women	% of Men	% of Women
1999	990	966	24	97.6	2.4
2003	990	950	40	96	4
2007	990	933	57	94.2	5.8
2011	990	922	68	93.1	6.9

Source: British Council Report (2012)

In contradiction to outcomes in the National Assembly from 1999 to 2011, there was a significant increase in the number of women that won seats in the States' Houses of Assembly. However, when the cumulative number of seats won by women is disaggregated against the total available number of seats nationwide, which puts it at 990 seats, it can be concluded that there was no real significant increase. In all, the 2011 general elections produced 9.1% (302) female candidates out of the total number of 3306 candidates who contested elections. The low number of women representatives earned Nigeria 118 position out of 192 countries in terms of gender parity (European Union, 2011; British Council, 2012).

Quite often, a major implication of gender inequality in political representation is that the margins between the male and female legislators do not only persist in terms of numerical strength but also in the decision making power. The margins, which are yet to be fully broken with the glaring outcomes of the 1999–2011 elections, query the level of autonomy of women in the legislative arm because more often than not, decisions are based on majority votes in the Houses, and due to the number of seats occupied, are men's votes. Though an alternative to the consistent marginalisation has tilted towards women holding appointive positions, which are less competitive and act as a springboard for women's acceptance to major competitive elections, elective positions still remain the avenue and platform for women to gain legitimacy, and feel electorates' support for their candidature as women.

FACTORS LIMITING WOMEN'S PARTICIPATION IN LEGISLATIVE ELECTIONS

Several scholars try to seek answers to the perceived low level of women's participation in elective elections. Verba, Nie and Kim (1978: 235-265) in their study of women's political participation, argue that women abstain from politics either due to apathy or inhibition. They either do not care about political matters or they do care but are inhibited by external or internal (self-restraint) factors such as level of education between men and women, institutional affiliation in terms of membership and attachment to existing political institutions. Due to women's low resources in this regard, men tend to convert their opportunities to political capital at a higher rate than women. To participate in politics, Maloutas et al (2004) opine that women must face both social (lack of welfare provisions) and psychological (personal insecurities) challenges. Can these assertions summarise for the low women's representation in legislative elections from 1999 to 2011 in Nigeria or could there be other explanations? Studies from scholars have revealed the various nuances:

Traditional Gendered Roles

Henig and Henig (2001: 2-3), Enemuo, (2001: 32-33), Nda, (2003: 336) and Iloh and Ikenna (2009: 124), perceive traditional gender roles as, continuous willingness to accept a traditional role in society, such as norms of 'good motherhood', and reluctance to challenge the influence of the church 'and the mosque' and its teachings. Evidences from in-depth studies of congressional candidates in the US point to women as six times more likely than men to bear responsibilities when making decisions about pursuing elective office and ten times more likely than men to be the primary childcare provider (Fox and Lawless, 2014). Even among elected officials, women often mention the balancing act involved in reconciling a career, a family and political ambition (Gaddle, 2004). In other words, becoming a mother involves important changes of status and outlook and immediate constraints of some considerable duration. In practical terms, motherhood impedes on an individual, the free time she would have had to be active in politics. Moreover, it is difficult for a married woman to participate in politics without people casting aspersions on

her as promiscuous or woman of easy virtue while an unmarried woman's venture into politics gives allowance to deep public scrutiny of her private and personal life. These traditional gendered roles created by the society engender a sense of apathy in women who feel very comfortable as voters, mobilizers, praise singers, supporters of male candidates and women's wing of parties, lacking major power. This has favoured the legitimization of a traditional perception of women and their role, by limiting gender policy mainly to the provisions that help women fulfill their ascribed roles without contending it. This might explain why traditional frames persist even within discourses that intend to be progressive towards equality.

Moreover, the crisis of religious orthodoxy further reinforces women's isolation and marginalisation in politics in a traditional role that constrains women in purdah to 'be silent in public'. This shows that the power and tenacity of traditional family role are quite strong in affecting women's participation in politics (Lovenduski, 1986: 127-130). It further has a spillover effect of producing feelings of low efficacy among women, which impede an active interest in an area normally portrayed as male defined and clearly male occupied.

Nature of the power structure in Nigeria's political system

Political parties are major gate keepers in determining potential candidates to elected office and therefore, play a critical role in advancing or impeding women's participation. To Goetz (2002: 572), feminist political scientists are increasingly sensitive to the fact that choices made in the design of political institutions-the powers of the executive in relation to the legislature, the design of the electoral system, the nature and degree of party institutionalization-determine women's prospects in electoral competitions and their capacity to influence once in office. Where the design of political institutions is male-dominated, masculine or patriarchal, women are kept out of politics and life is divided into public and private spheres. The former is allotted to men and the private domain is given to women. In spite of the state and non-state actors' roles in placing women in the political space in Nigeria, they are mostly deliberately edged out during party primaries (Okoosi-Simbine, 2006:153; Iloh and Ikenna, 2009:117) by political parties whose intrigues go a long way in scheming women out of politics.

Some parties had the goals for the promotion of a more balanced participation but they were either hollow promises or with few strategies to achieve them. Though some parties including the PDP, ACN and other small parties, had objectives to achieve the quota system, the enumerations of measures resembled a shopping list rather than a comprehensive policy strategy, since they lacked an explanation of how the measures would solve the problems highlighted in their manifestoes. Still on party politics, the notion that there is much money to be made as legislators in the National Assembly, increased men's tendency to sideline women who were exempted from paying registration fee from winning primaries.¹⁰⁶ The Economist revealed that Nigeria's policy makers are the highest paid lawmakers with a basic salary of \$189,500.00 per annum (N30.6m). What emerges from this notion is stiff competition, including killing, kidnapping or edging out carefully through bribing or other negative measures in attaining such political positions to the chagrin of female contenders.

In the interviews Nwankwo (2011) conducted with party chieftains, they all agreed that 'women who have not paid cannot take precedence over men who have paid huge nomination fees.' Other issues include godfatherism, insecurity, increased political violence, including killings of candidates and institutionalized masculinity in parliamentary spaces. The practice of holding meetings at nights does not encourage women, especially, the married ones, in actively participating in representative politics.

Institutional Designs

The institutional designs which this study found to hinder women's political participation in the mainstream politics include the practice of majority electoral system instead of proportional representation, lack of gender electoral quota systems and constitutional provision for equal gender representation in parties' political nominees. During Museveni's role as the democratic leader of Uganda, he instituted a quota system, which created and reserved seats in national and local government for women. Tripp (2000) perceives this relatively non-democratic means of

¹⁰⁶ The new parties fielded more women in order to woo more electorates unlike the 'big' parties, that are already established, male-dominated and do not consider women as viable to stand competitive elections.

women's access to power through reservations and affirmative action as being effective in ensuring their rapid promotion through Museveni's 'benevolent autocracy'. But it has its own cost of depriving non-elected women the power to assert their rights to be fronted as candidates in open elections and of using the dynamics of multiparty competition to develop political clout around a gendered voting gap. However, its relevance at this conceptional stage of Africa's political development cannot be over-emphasised

Financial incapacitation

Feminization of poverty has eaten deep into the fabric of democratic governance in Nigeria to the extent that only the very rich, wealth and influential women, either by birth, marriage or fiat, could contest elective positions in Nigeria, thereby leaving out the genuinely active women who have no financial voice and are not willing to commit their meagre financial resources to political activities. For instance, most female aspirants in 2011 could not win electorates' votes because they could not match men in money politics. Except for a few women who belonged to the ruling class through their husbands, the reign of godfathers in Nigerian politics who bankrolled some male contestants and ensured their victory, either by buying votes or rigging elections, made it difficult for women to be on the same pedestal with men. Through corrupt means, positions won by women at primaries were rejected and manipulated, for men to take over the political terrain. A major outcome was the reduction in the percentages of women who won at the general electoral polls against the number of women who showed interests at the party level.

Electoral violence

The incidence of electoral violence has forced many female aspirants to draw back from politics. Electoral violence has been defined by Fischer (2002) 'as any random or organized act or threat to intimidate, physically harm, blackmail or abuse a political stakeholder in seeking to determine, delay or to otherwise influence an electoral process'. While the consequences of such violence are not limited to women, women bear the major brunt, thereby shaping women's relations to the political structures that govern them (Bardall, 2011). Violence has been an endemic feature

of Nigeria's electoral process, from independence till date and it expresses itself in collective attacks, such as intimidation, harassment, killing of party big wigs, assassination, acrimony, and maiming among others, against perceived opponents (Lawal, 2005) as well as increased male deals in a 'do-or-die' affair. Electoral violence is a major barrier against women's political participation and consequently, their under-representation in representative politics.

All these factors inhibited as well as created apathy in women's interests towards participation in politics and capability to win elections from 1999 to 2011. Even when they tried breaking the boundaries and filling the margins that exist between men and women's representations in elective politics, patriarchal party politics, electoral violence, intimidation, godfatherism and financial incapacitation have played major roles in reducing women's importance in elective politics. The few payoffs women have had in Nigerian politics were achieved mostly through appointments into political offices as directors of parastatals and boards, commissioners, and ministers.

CONCLUSION

This paper has explored the nexus between women's identity and their representation in the vital decision-making arm of government. It examined the history of women's emancipation towards gender equality and participation in Nigeria's political space from pre-colonial to independence era, especially the extent of women's representation in Nigeria's legislative institution both at the National and state assemblies from 1999 till 2011. A major finding reveals that there was a major lacuna in the representation of women despite efforts from the state, international community and civil society, as a result of political, social-economic and cultural factors that continue to accentuate women's incapacity to participate in elective positions in Nigeria.

Engendering gender equality requires addressing swiftly the problems highlighted. While the state and civil society strive to remove the traditional problems and enforce the quota system within the political set up, efforts must be made to ensure constitutional as well as attitudinal changes among 'the men' in the polity. In other words, it is important for

the state to strengthen the legal framework that encourages female political inclusion. Such a framework serves as the basis of authority and protects against the marginalization of female participation. Lastly, the present construction of gender is a stereotyped one and regrettably, the extent to which the society (including women) is guided by the patriarchal structure remains questioned. This stereotyped conception of gender undermines the ability to tackle traditional gender regimes, and therefore should be deconstructed in order to give room for autonomous women's participation in politics that is devoid of violence and intimidation.

The equitable participation of women in politics is essential to building and sustaining democracy. Moreover, women's participation goes beyond electing a large number of women in parliament but reflect gender equality on issues that are paramount to women but ignored by men. Until this fact is recognized and implemented, true democracy would continue to evade Nigeria in sub-Saharan politics.

PART FIVE
FOREIGN POLICY

NIGERIA'S FOREIGN RELATIONS: AN ASSESSMENT OF THE BAKASSI PENINSULA CRISIS AND RESOLUTION

Ajinde Oluwashakin

INTRODUCTION

Nigeria's foreign relations had been founded on the country's vital interests, and consistent with the moral and democratic principles on which its constitution is anchored to maintain friendly relations with all nations, particularly in Africa. Also, the problem of territorial claims by African states were made based on boundaries as were artificially created by European powers and each part administered by separate colonial power. Early Nigerian leaders believed that "those boundaries should be respected and in the interest of peace must remain the recognized boundaries until such time as the people concerned decide of their own free will to change or merge into one unit" (Abubakar Tafawa Balewa, 20 August, 1960). The idea of people deciding of their own free will to change or merge played out in the case of boundary dispute between Nigeria and Cameroon in 1962 and 2002. In 1961, a *plebiscite* was conducted by the United Nations to ascertain the preference of Southern Cameroon whether they wished to be in Nigeria or Cameroon. They opted to be part of Cameroon, and the Bakassi, assumeably, continued to be part of Nigeria (Oil Justice Movement, 2012: vii). As relations progressed between the two countries, events changed and controversy developed as to who owned the Bakassi Peninsula. The controversy generated crisis that degenerated to armed conflict, which finally dragged both countries to the International Court

of Justice (ICJ) for resolution. The October 10, 2002 ICJ ruling on the ownership of the Bakassi Peninsula in favor of Cameroon, however, has not brought justice to the Bakassi people. Therefore a lot more still need to be done to obtain justice and advance cordial relations between the two nations. This chapter assesses Nigeria's foreign relations as regards the Bakassi crisis and resolution, particularly how the dispute has affected relations between the two neighbors and the people concerned, and the international community in general. In this regard, the chapter is divided into five sections. Section one takes a historical and theoretical view of the crisis; section two provides a conceptual template: The Bakassi crisis is examined in some detail in section three: and the resolution process is critically addressed in section four, and then the conclusion.

HISTORICAL AND THEORETICAL BACKGROUND

The late 1800s was the inglorious era of the European scramble for Africa during which several boundaries were created. On September 10, 1884, Queen Victoria of Great Britain entered into an agreement of protection with the king and chiefs of Akwa Akpa, an area referred to as Old Calabar by the Europeans. By virtue of this agreement, Britain exercised control over the entire territory around Calabar, including Bakassi (Omoigni.com). But earlier on July 14, 1884, Kamerun had been carved out and established by proclamation as a German Protectorate, as part of the balkanization process by the European powers. Cameroon boundary with Nigeria was set through certain agreements signed between Britain and Germany (Ajibola, 2012). Between 1903 and 1907 there was a boundary demarcation and agreements were signed in 1906 and 1916. The boundary between Northern Protectorate of Nigeria and the Cameroon Protectorate was demarcated by the joint Anglo-German commission of 1903 and 1909 (Akinyemi, 186:142). By 1913, Britain had ceded the entire Bakassi territory to Germany as contained in Articles 21 and 22 of the Anglo-German Treaty (Adefaka, 2012; Aghanenu, 2012). By 1914, the World War 1 had begun, which, per force, engendered territorial restructuring in German colonial enclaves. On September 27, 1914, an Anglo-French military (naval) force captured Douala as they moved north, and the forces invaded the Cameroon Protectorate of Germany. This military invasion

led to a joint Anglo-French occupation of the Cameroon Protectorate. On April 18, 1916, the balkanization of the Cameroon into British and French spheres of influence came into force (Akinyemi, 1986). The balkanization was not unconnected with the eventual defeat of Germany in the First World War, and the consequent renunciation of her rights over the Cameroon in concession to the Allied Powers. This arrangement was "confirmed by Article 119 of the Versailles Peace Treaty..." (Akinyemi, 1986:143).

During the early days of independence, Southern Cameroons decided in a plebiscite, held under the auspices of the United Nations on February 11, 1961, to be part of Cameroon. In the votes: 233,571 votes for union with the Republic of Cameroon and 97,741 votes for union with the Federal Republic of Nigeria (Akinyemi, 1986). However, Bakassi remained under Calabar suzerainty and continued to be part of Nigeria. Explanation has been given that while the British tried hard to lure the kings and chiefs of Bakassi into signing a treaty, these rulers "refused to enter a treaty with the British, declaring that they were subject to the authority and jurisdiction of the kings and chiefs of Old Calabar." But in spite of the objection of the Bakassi people, "the British went ahead to cede the territory to Germany in a treaty" signed on March 11, 1913 (Aghanenu, 2012). Nevertheless, Aghanenu further asserts that "the territory continued to be part of Nigeria", even "after the 1961 plebiscite" when Southern Cameroon opted to join Nigeria; a clear indication that Bakassi was part of Southern Cameroon. The tenacity of the Bakassi people to remain part of Nigeria despite the treaty and plebiscite and ICJ ruling can only be explained as Bola Akinterinwa argued that, on a legal paper, it is written that Bakassi belongs to Cameroon but the people living there are not" (Akinterinwa, 2003).

For a theoretical template, geopolitics is all about the interplay of geography and politics, and how it helps to explain conflict in international politics and, in a broader sense, International Relations. A geopolitics theoretical framework of analysis examines the many ways geography affects politics and foreign policy, from its impact on national identity and nationalism to the manner in which it supports and detracts from a country's economic and social development (Duncan et al 2003:297-298). Geography plays several roles in international relations, like engendering

cooperation and conflict between states; the effects of global climate change, environment, and natural disasters; conditions of trade and investment flows; and the effects of information technology; all these constitute “the heart and soul” of geopolitics.

Applying the concept of geopolitics to the analysis of international politics throws up a number of relevant questions: Why does it matter where a state is located on the globe or who are its neighbours? Specifically for this study: Why does it bother Nigeria or Cameroon as to who owns the Bakassi peninsula? How big is the role of strategic features like water-ways, peninsula, mountains, canals, and so on, play in state relations? What role has the peninsula played or likely to play in Nigeria - Cameroon relations?

Geopolitics is anchored on two basic assumptions: the impact of geography on human development, and perception. In *Guns Germs and Steel: The Fates of Human Societies*, Jared Diamond underscores the fact that the impact of geography on human development is profound. Diamond also notes that humans struggle with each other over territory “like most animal species” do, regardless of where they (human) live and what territorial state they occupy that condition their development. This claim (contest) over territory has been part of inter-human relations since the beginning of time. Diamond theorized that human behavior is close to animal behavior as regards territoriality in that we humans share 98% of our genetic program with the primates. Much of the competition for territory, he argues “takes the form of wars between adjacent groups, marked by hostility and mass killing” (Diamond 1992; Duncan et al, 2003:297). A second assumption is the world of perception. Scholars of global politics and foreign policy would argue that human perception is composed of a sort of prism through which we interpret realities around us, and their accuracy or otherwise is irrelevant. In this sense, from territorially based perception, clues can be found as to how distinct population groups define their state identity and vital interests (territorial security, economic vitality, political freedom, and so on) and the reasons they use several kinds of diplomacy in achieving those interests (Duncan et al). It is from this perspective that these factors shape the conflict and/or cooperation between states, that is, the geopolitics in foreign relations.

From geopolitical perspective, nations have had cause to be in conflict

and ways have been found to resolve such conflict. There are different approaches to conflict resolution and management. Some believe that it is impossible to resolve certain conflicts, thus, the term management is more preferred to control a conflict. Conflict at interpersonal level can both be resolved and managed. But resolving certain protracted, generational conflict at the international level, for example, the Arab- Israeli conflict may be intractable, or simply irresolvable. In such a situation management seems the only option. It is like this: When a physician has diagnosed an ailment accurately, he is in the best position to know if the disease is curable or incurable. If it is curable, a remedy is prescribed that is likely to cure the disease. But when it is established that it is incurable, that is, no possible remedy, then a management regime is prescribed. In conflict terms, if the disease (conflict) is incurable (irresolvable), there are possible methods of managing it.

Given this scenario, and depending on the nature and resources and the historicity, there are several ways to resolve and/or manage conflict, especially that of intractable nature.

These would include negotiation, adjudication, arbitration, mediation, and problem-solving summits or conferences. Other approaches include deterrence, threat or use of force, basic needs and alternative dispute resolution.

In any form or dimension of conflict, negotiation is key. According to Zartman (1989) negotiations are usually only initiated- and successful- in certain "ripe" situation. These include:

- The occurrence of a recent or incipient national crisis. A change in a military situation, leading to the perception of a real and immediate threat of new or heightened violent conflict,
- The perception of mutually hurting stalemate
- A perception that a continued violence is more costly than the negotiations themselves,
- A change in power to a more equitable distribution. If parties perceive that power is distributed more equitably, they are more likely to come to the negotiating table (Seymour, 2003).

In most cases, conflict persists or is intractable as parties naturally fear the compromises involved in attain negotiated settlement. Fear of

concession threatens the sense of insecurity for both sides, “making parties less likely to enter into negotiations in the first place”. However, both sides in a conflict can be assisted by bringing them to the peace making or peace building process. In this regard, the socio-psychological approach may be helpful, provided “each side is able to recognize the fear and perception of the other—thus accepting mutual legitimacy—the negotiation can create positive change”. Further, third party peace makers can be helpful by giving reassurance in the form of acknowledgements and confidence – building measures. Apart from negotiations, “conflict –resolution workshops” can also be employed, toward “changing negative perceptions, acknowledging history and addressing destructive divisions in identity”. If the fears and perceptions of threats are honestly addressed, peacemaking initiatives can support the move from conflict to sustainable peace.

Still, conflict resolution can be enhanced by reaching common ground in positional and principled negotiation. Roger Fisher makes a distinction between positional and principled negotiation in bringing opponent to a “yes” settlement. In positional negotiation, which is competitive, bargaining progresses to a point of settlement somewhere between the position held by the two sides, may be closer to one side’s opening position than the other’s. As Fisher argues, this type of negotiation is inefficient and “may not lead to optimal agreements”. Rather, he proposes a principled negotiation whereby the bargaining process starts by acknowledging both sides’ interest, instead of their positions. “Your position is something you have decided upon. Your interests are what caused you to so decide” (Fisher and Ury, 1991; Russett et al, 2006). Positional negotiation are almost always mutually exclusive, whereas principled negotiation (where interests often overlap), getting the parties to focus on their interests rather than their position will help to locate larger region of common ground and more potential point of settlement (Russett, 2006).

CONCEPTUAL PERSPECTIVES

To appreciate the import of this chapter, it is imperative to define two basic concepts namely, foreign relations and Bakassi.

Foreign Relations

There are several terms in international relations that are intertwined in relations among states. Foreign relation is one of such, which is a “looser and broader” concept than diplomatic relations. In this sense, foreign relations refers to those relations that a state welcome and encourage but do not essentially initiate or conduct, such as international cultural, scientific, or non-governmental organization affairs and contacts (The Greenwood Encyclopedia of International Relations, 2002:562-563). Foreign relation is also referred as “the management of relations between a public policy administrative organization of a state, and other countries.” Such organizations have the primary objective “to create, develop and manage foreign policy” which describes relationships as “seen from the self- interested perspective of the state when viewing the international milieu (Wikipedia, the free encyclopedia).

The word foreign was coined during the mid-1400s from the French word *ferren*, *foreyn*, meaning “out of doors,” based on the Old French word *forain* ‘outer, external outdoor; remote’, reflecting the sense of ‘not in one’s own land’ first attested in the late 14th century.” The English spelling was altered in 1800s, due to the influence of *reign* and sovereignty, both in connection during that era “with the most common office of monarch that determine foreign policy, a set of diplomatic goals that seeks to outline how a country will interact with other countries of the world” (Wikipedia).

Wikipedia further outlines several conditions that govern foreign relations within which they exist:

- Contextualized-foreign relations may be specially affected as pertaining organizational issues, and so on.
- Chronological--foreign relations may be operational and ongoing where other nations are concerned, or project - based and temporary where non-state international agents are concerned; they may also relate to factors of historical or future considerations.
- Dynamic--foreign relations contain a degree of dependence or interdependence; a colony or new colony would have a static relationship with the coloniser.
- Environmental-- foreign relations may develop to be cooperative, adversarial, predatory, altruistic, mentoring, parasitic, and so on.
- Oriented-- foreign relations orientations are ideally predicated

on commitment to common goals, but can also be dysfunctional, and even destructive.

As will be demonstrated, Nigeria's foreign relations as regards its conflict with Cameroon in compliance with the ICJ judgment through the good offices of the UN scribe, Nigeria has taken into cognizance the regional context and implications of the conflict and the dynamics of interdependence of the global system, and so on.

Nigeria operates a presidential system patterned after that of the United States. As such, the Foreign Relations Committee of the Nigerian Legislature (National Assembly) operates in a similar *modus* of the United States Congress- the Senate. The Nigerian Senate Foreign Relations Committee is the permanent committee dealing with foreign affairs, particularly *treaties*. It wields considerable influence, which include (1) the oversight function to launch investigations into foreign affairs (2) advisory role to the full Senate on foreign policy-related appropriation (3) leadership role on full Senate 'advice and consent' on treaties; and (4) advisory role to the full Senate on confirmation or rejection of senior cabinet, national security and ambassadorial appointments by the president. As will be seen later in this chapter, both the Senate leadership and Presidency were at logger head over the purported treaties between Nigeria and Cameroon which the Senate Foreign Relations Committee denied ever ratifying.

Bakassi Peninsula

Bakassi is referred to as the peninsula extension of the Nigerian territory of Calabar into the Atlantic Ocean. Some other authority described it as "the African territory of Calabar," as a diversion to becloud the natural truth. Instead, it should be regarded as "the Nigerian territory of Calabar." It is now ruled by Cameroon following the transfer of sovereignty from Nigeria, resulting from the verdict of ICJ (<http://www.icj.org/docket/files/94/7453.pdf>). By the definition given here, Bakassi is a Nigerian territory of Calabar jutting/extending into Atlantic Ocean. This buttressed the 1884 Treaty of Protection signed by Queen Victoria of England with the king and chiefs of Akwa Akpa, known to the Europeans as "old calabar." Indeed, Bakassi people are mainly the Calabar people, that is, the people of Cross River State and Akwa Ibom State of Nigeria, including

the Efik, Efut, Ibibio, Annang, and so on (<http://en.wikipedia.org/wiki/Bakassi>). Eddy Aghanenu, the coordinator of Oil Justice Movement, says “the peninsula was generally known by the indigenes as Akai Abasi Eke which the British corrupted to Bakassi”. It is believed that “the British acknowledged” the area were dependencies of Calabar (Aghanenu, 2012).

THE BAKASSI CRISIS

The Bakassi crisis situation pre-dates the 21st Century when it developed to armed conflict and a case for the International Court of Justice to decide or resolve. It was like a dormant volcano that erupts when it was triggered. The seed of the Bakassi crisis was sown in the 1913 Anglo-German Treaty. A Nigerian justice and a member of the ICJ, Prince Bola Ajibola, notes “it was since then that we have this uphill task because it was Britain that ceded the whole of that Bakassi area, well described in Articles 21 and 22 of that agreement, specifically to Germany”. But when Germany suffered defeat during the First World War, “it was deprived of that area and Bakassi went to France and it was France that gave independence to Cameroon, and that was how Cameroon got into it (Bashir Adefaka, Vanguard September 29, 2012).

Justice Ajibola admits that “the problem started from the beginning of our (Nigeria’s) independence” (emphasis mine). He affirms that “we ourselves as Nigerians bastardized our position because as far back as 1961, we had written a note to Cameroon, telling Cameroon that we Nigerians are aware of the fact that they own Bakassi” (Ajibola, 2012). In the 1960s and 1970s, it is argued, the “map of Nigeria was always indicating the excise of Bakassi out of our own land in Nigeria as part of what belongs to Cameroon. Ajibola further asserted: “In fact, it has been . . . stamped by the fact that we agreed that our boundary is in *Akwa Yafe* as opposed to Rio Del Rey. If we own Bakassi, the boundary would have been in Rio Del Rey and not AkwaYafe.”

However, other authorities like Eddy Aghanenu, Coordinator, Oil Justice Movement believed that the territory subsequently become de facto part of the Federal Republic of Nigeria, even though the borderline was never permanently demarcated, while some historical document placed Bakassi under Cameroonian territory, as earlier argued above (Aghanenu,

2012). Even in 1961 when Southern Cameroons opted in a vote to leave Nigeria to be part of Cameroon, “Bakassi remained under Calabar administration in Nigeria” until the 2002 ICJ verdict on the dispute (http://www.omoigui.com/files/thebakassi_story.pdf).

It should be admitted that a complex case obtained here. Based on the British and German agreement Cameroon all along assumed that Bakassi belong to them, coupled with concession from some Nigerian government officials. Why then was Nigeria administering the territory as though it has suzerainty over the enclave? At what point did the acquiescence on both sides developed to conflict of interests and the eventual armed conflict?

The Bakassi Peninsula is believed to be rich in aquatic and hydrocarbon resources such as fish, shrimps, and crude oil. It is also known to contain other marine life forms that “makes the Bakassi are a very fertile fishing ground, comparable to Newfoundland in North America and Scandinavia in Western Europe” (Aghanenu, 2012). Between 150,000 and 300,000 are people believed to populate the Peninsula, and majority of them are predominantly fish farmers. If the Peninsula is a fertile fishing ground and contains oil wealth, should it then surprise anyone why the territory suddenly became a subject of dispute. When did the Bakassi become an issue of international concern?

Nigeria’s First Republic¹⁰⁷ administration epitomized the *Pax-Nigeriana* foreign relations, particularly with Southern Cameroons. During the period Nigeria administered the area, it provided the administrative machinery and financial obligations. When Southern Cameroons decided to be part of Cameroon, opposition voices from the Nigerian Legislature and media were belligerent. Dennis Osadebey, president of the Senate, demanded a retaliatory response by the Nigerian government, proposing that Britain should pay back all that Nigeria has expended on Southern Cameroons; that emolument of Southern Cameroons Legislators in the Nigerian Legislature should be stopped, among other demands. A section of the media was also rather virulent, advocating a possible military

¹⁰⁷ Nigeria’s First Republic lasted from October 1, 1960 to January 15, 1966. *Pax Nigeriana* (Nigerian Peace): a period of peace and stability the Nigerian state adopted after independence with her neighbors. The First Republic was terminated in a military coup d’état on January 15, 1966.

invasion of the Republic of Cameroon (Akinyemi, 1986).

But the Nigerian government took a more restrained posture. The government in a statement opted to “stop all Federal services to the Territory as from 30th September 1960”, and the withdrawal of “all Federal Nigerian Public Works Department Plant and Equipment from the Territory”, which invariably put “a stop to the bituminizing of the already reconstructed Kumba-Mamfe road” (Akinyemi, 1986). Akinyemi described the Nigerian government foreign relations in this issue as “unemotional and matter of-fact”. According to him, “this restraining influence was helped by the reverence with which the Nigerian public regarded the United Nations in the early sixties. One of the ways in which this reverence was manifested was the desire of Nigerians to be well regarded by members of the United Nations”. In this way, Nigeria has been very cautious of its relations with its neighbors and promoting peace and security as a reputable member of the United Nations.

On January 15, 1966, the Nigerian military intervened in the country's politics as a result of the disputed election in 1965. The military purportedly intervened to salvage the country from corrupt politicians and state disintegration. However, they created problems more than they envisaged solving. By military tradition of central command system, the Nigerian state federal structure was jettisoned and replaced with a form of unitary system, under a supreme military council. But that engendered its own crisis which snowballed into a civil war. It was during the Nigerian Civil War (1967-1970) that crisis started unfolding in the Bakassi Peninsula.

In 1968, as the war progressed, the Cameroonian gendarmes first arrived in the Bakassi Peninsula to establish their *de facto* presence, and this naturally caused some disaffection and resistance from the inhabitants. Bola Akinterinwa adduced instances in which the inhabitants of Bakassi, mainly Nigerians, complained bitterly about “the way the Cameroonians has been mistreating them”, in a number of ways. Etim Andem Okon of Atabong, for instance, was beaten to death by Cameroonian gendarmes in 1969, while Mbuk Sereke Mbuk suffered similar fate in 1973. Also, some have been forcefully ejected by the Cameroonians with loss of their fishing ports, occupations and other sources of income as the Etubom's Council, Calabar, had complained to the Nigerian authority then (Akin-terinwa, 2013).

As the civil war intensified, a strategic and tactical necessity developed on which the outcome of the war depended. As such, the Nigerian military government under General Yakubu Gowon “reached an agreement” with President Ahmadu Ahidjo of Cameroon, on maritime blockade. Based on the professional military advice of his field commanders, General Gowon entered into an agreement with President Ahidjo “requesting the latter to close the maritime borders where the Biafran soldiers obtained their supplies”. Indeed, that was the strategic breakthrough in the 30 months war; and, in fact, “the economic blockade that ended the war” (*pointblanknews.com*; Idumange, 2010).

The Nigerian Civil War was officially declared over on January 15, 1970. As concessions to Cameroon, Nigeria and Cameroon had several joint declarations that were adopted though not ratified. They include: “The Declaration of Yaounde I of 14 August 1970; Yaounde II of 4 April, 1971; Declaration of Lagos of 21 June 1971; Declaration of Kano of 1 September, 1974 and Declaration of Maroua of 1 June, 1975” (Akinterinwa, 2013).

In all these declarations there was no claim by Nigeria over the ownership of the Bakassi Peninsula. In other words, there was no real dispute between the two countries. Two of the declarations cited above, that is, the Yaounde II and Maroua Declarations were the first instruments designed “to outline maritime boundaries between the two countries” after independence, and the civil war. The Maroua Declaration of June 1, 1975 was signed for “the extension of the 1971 maritime boundary (Idumange, 2010).

The status of Bakassi never became an issue of dispute until after the third military coup of July 29, 1975, led by Brigadier Murtala Mohammed. When General Murtala secured himself in power, he frontally attacks Gowon’s foreign policy. As John Idumange writes:

When Murtala Mohammed overthrew the government of Gowon on July 29, 1975, he tried to smear Gowon’s reputation and discredit his foreign policy. He accused Gowon of giving out Bakassi cheaply to Cameroon, thereby discrediting Gowon’s foreign policy in the African continent; even though Nigerian official maps from the period showed Bakassi in Cameroon’s territory (Idumange, 2010).

Since 1975, many international relations experts, particularly within the foreign policy and diplomatic circles, have glamorized and credited the Murtala/Obasanjo military government (1975 – 1979) as “the golden era” of Nigerian foreign policy without ever pointing to its ugly side. Admittedly, Nigeria’s foreign policy from 1975 to 1979 was assertive and helped to liberate southern Africa countries under foreign domination, such as Angola, Zimbabwe, Mozambique, but Bakassi became an unnecessarily military adventure and a crisis for the country.

The Murtala/Obasanjo military government handed over the Bakassi crisis to the Second Republic Government of President Shehu Shagari (1979 – 1983). Between 1981 and 1996, Nigeria and Cameroon have gravitated to the precipice of war a number of times over the ownership of the Bakassi territory. On May 15, 1981, for instance, Cameroon national radio reported that a Nigerian patrol army violated Cameroon’s territory by “infiltrating the Peninsula (as far as the Rio Del Ray) and opened fire on Cameroonian forces. Cameroon returned fire, killing five Nigerian soldiers” (Price, 2005).

The Bakassi crisis intensified with more serious incidents that triggered more violence between both countries. Between 1994 and 1996, there were border skirmishes between Nigeria and Cameroon military. On May 6, 1996, diplomatic reports stated that “over fifty Nigeria soldiers had been killed and a number taken prisoners” (<http://select.nytimes.com/gst/abstract.html?>).

The dispute escalated further in February 1996, as a people called the Ambazonians added their voice to the claim on Bakassi. The Ambazonians, mostly in Southern Cameroon, have demanded total independence, holding a view that Bakassi belong to them. Between 1919 and 1958, before the 1961 plebiscite, Southern Cameroon was jointly administered by Nigeria and Cameroon, as earlier alluded to in this chapter. But Nigerian maps recognize the Bakassi Peninsula as part of the Ambazonian territory (http://www.postmatchmagazine.com/file/bakassi_notes.pdf; Price, 2005). Interestingly, but worrisome, the Ambazonians are people of Southern Cameroon subsumed under the people of the UN Trust territory under the British administration. ‘Worrisome’ in the sense that the Ambazonian claims have added a twist, complexity to the Bakassi crisis between Nigeria and Cameroon. The Ambazonians, for instance, “claim

that the struggle for their territorial integrity will affect both Nigeria and Cameroon”, as they are also “struggling for recognition as a separate State at the ICJ” (Idumange, 2010). Indeed, the Ambazonians contend that there can never be peace in the area (Bakassi) without Nigeria and Cameroon giving recognition to them.

In 1994, Cameroon took Nigeria to the ICJ, as clashes between the military of both countries continued intermittently, and there was no end in sight in occurrences. On March 29, 1994, Cameroon asked the ICJ to determine its dispute with Nigeria, “relating essentially to the question of sovereignty over the Bakassi Peninsula”, and the maritime boundary between the two countries. Later that year, in June 1994, Cameroon further filed application in which “the subject of the dispute was extended to include a delimitation of the countries’ mutual land boundary from Lake Chad to the sea” (Henshaw and Toyo, 2012; Akinterinwa, 2013). A third reason why Cameroon took Nigeria to the ICJ was over what is called ‘state responsibility’, which Justice Ajibola said was “like a criminal charge against Nigeria” (Vanguard, September 29, 2012). On grounds of state responsibility, Cameroon presented a claim of “compensation due to it as reparation for damage it has suffered as a result of the internationally wrongful acts attributable to the Federal Republic of Nigeria...” (Ajibola, 2012).

At this point, we need to recall certain state policy and diplomatic facts. Justice Taslim Elias, as the Attorney-General under the Gowon government, had “advised the Gowon administration based on the post – colonial agreements, that Nigeria had no legal basis for contesting the Bakassi Peninsula” (Idumange). This point is corroborated by Bolaji Akinyemi, former Director-General of Nigerian Institute of International Affairs (NIIA) and one-time Foreign Minister, in a paper entitled: *Lead Us Not into Temptation*. In his presentation, Akinyemi noted that he was “alarmed when we examined the issue (the status of Bakassi) and came across a memorandum by Dr. T.O. Elias... (wrote) that the Bakassi Peninsula did not belong to Nigeria, and that it belonged to Cameroon” (p.2) .

In view of this discovery, Akinyemi, as the then DG of NIIA, said:

...with the permission of the then Head of State (General Olusegun Obasanjo), I sought the views of one of the most respectable jurists that

this country had produced, the Hon. Justice Daddy Onyeama who was also an Ad Hoc Judge of the International Court of Justice. He concurred with the conclusions of the Hon. Justice Elias.

Based upon this judicial template, Akinyemi affirmed that:

The Institute (NIIA) therefore advised the Head of State that irrespective of what it took, Nigeria must never, never allow the Bakassi issue to be taken to a court of law. We were that blunt to tell the Head of State that if Nigeria went to court, we would lose (Akinyemi, 2012).

Akinyemi further explained that “this advice was given to every Head of State namely, President Shehu Shagari, General Mohammed Buhari, and General Ibrahim Babangida, which was taken into consideration in their policy over Bakassi”.

Unfortunately, it was during General Sanni Abacha dictatorship that Cameroon found it auspicious to file a suit against Nigeria, knowing full well the pariah characterization of the country by the international community, under Abacha. Again, Akinyemi lamented: “it is a matter of regret and should be considered a failure of state policy that we entered appearance at the court in response to the suit filed by Cameroon” (Akinyemi, 2012). Emeka Anyaoku, a former Commonwealth of Nations Secretary-General, equally agreed when he said: “Nigeria made a big mistake by allowing the crisis over the ownership of the Bakassi Peninsula to be taken to the International Court of Justice” (NAN, October 31, 2012).

RESOLUTION PROCESS: THE ICJ VERDICT AND NIGERIA'S RESPONSE

The perennial crisis between Nigeria and Cameroon since 1975 over the oil-rich Bakassi Peninsula came to apparent closure with the International Court of Justice (ICJ) verdict on the case on October 10, 2012. By the ICJ judgment, the oil rich Bakassi Peninsula in the Gulf of Guinea area was awarded to the Republic of Cameroon. The Court delimited the border in the north by granting to Cameroon, certain parts of the Lake Chad region (some 13 villages) and left some to Nigeria. (*The Guardian*

(Lagos) Editorial; October 30, 2013).

About three weeks after the ICJ judgment, the Nigerian government issued a 6-page statement rejecting the World Court verdict. The Federal Government stated *inter alia* that:

On no account will Nigeria abandon her people and their interests. For Nigeria, it is not a matter of oil or natural resources on land or in the coastal waters; it is a matter of the welfare and well-being of her people on their land... Nigeria will do everything possible to maintain peace in Bakassi or any other part of the border with Cameroon and will continue to avail itself of the good office of the Secretary-General of the United Nations (UN) and other well-meaning leaders of the international community to achieve peace and to maintain harmony and good neighbourliness... However, government wishes to assure Nigerians of its constitutional commitment to protect its citizens, ... that the President of the World Court, Mr. Gilbert Guillaume, as a Frenchman, surrounded by an English and a German judges, should have disqualified themselves since the countries they represent are in essence parties to the action or have substantial takes... (The Guardian (Lagos) October 30, 2003).

The non-acceptance of the ICJ verdict all ‘hook and sinker’ was a welcome response compared to the pacifist attitude displayed towards the UN plebiscite on Cameroon 40 years earlier. But what was the nature of Nigeria’s rejection of the ICJ verdict? Could it be described as an activist or pacifist rejection, merely to pacify a restive Nigerian public? On the eve of the judgment, the UN scribe, Kofi Annan summoned President Olusegun Obasanjo (Nigeria) and President Paul Biya (Cameroon) to New York for a retreat to prepare their mind to accept whatever the outcome of the verdict. Indeed, the UN diplomats, in particular, the Secretary-General knew ahead of time the possible outcome of the judgment, who it might or might not favor, namely Nigeria, and that possibly informed the ‘preventive diplomacy’ employed. If, on the other hand, it had not favored Cameroon, the consequence could have been disastrous; and Nigeria’s pacifism was the best in the circumstance. Bola Ajibola, a Nigerian on the panel of Judges, at the ICJ that decided on the issue of Bakassi between

Nigeria and Cameroon, clearly affirmed that:

As a matter of fact there are so many things one needs not come out with in this matter that could have happened disastrously to what is called Nigeria. As a matter of fact, if we had done something else, there would be no Nigeria by now and arms conflict would have taken over and, there are so many countries in the world that are so friendly with the position of Cameroon because they are of the view that Cameroon has Bakassi (Vanguard, September 29, 2012).

Therefore, to avoid any worse case scenario, in November 2002, a bilateral arrangement was established by the UN Secretary-General: "The Cameroon-Nigeria Mixed Commission", for dialogue. It was to oversee the implementation of the ICJ ruling to ensure amicable transfer of sovereignty on both sides of the divide over Bakassi.

THE WITHDRAWAL TIMELINE

The Mixed Commission has the mandate that covers the following issue-areas:

- Demarcation of the land boundaries and delimitation of the maritime boundary between the two countries
- Withdrawal and transfer of authority in the Lake Chad area, along the land boundary and in the Peninsula of Bakassi
- Demilitarization of the peninsula of Bakassi
- Protection of the rights of the affected populations
- Development of projects aiming at promoting the economic joint ventures between Cameroon and Nigeria and cross border cooperation
- Reactivation of the Lake Chad Basin Commission (<http://UNowa.unmissions.org>).

By the working calendar of the Mixed Commission, Nigeria ceded 33 villages to Cameroon in the Lake Chad area, in January 2004. And by August 2004, both countries were expected to "have completed the withdrawal of their civil administration, military or police forces from the

other affected areas of the land boundary to pave a way for the final report to the Mixed Commission, by the Sub-commission on Demarcation on land boundary” (Weekend News (Lagos) Volume 4, No. 40, October 31, 2002, p.2). For some reason, however, the August 2004 handover date was shifted to September 15, 2004.

By that date, Nigeria would have fully withdrawn from the oil-rich Bakassi. But for what was described as “technical hitches” Nigeria failed to withdraw. This development created an air of uncertainty over which Cameroon had to petition the UN for Nigeria’s noncompliance with the ICJ ruling.

On October 21, 2004, consequent upon Nigeria’s failure to honour the handover date, the 12th Session of the Mixed Commission was convened to discuss the issue. The Special Representative of the UN Secretary-General for West Africa and Chairman of the Mixed Commission, Ahmadu and Abdulah, made it clear that the said “technical hitches” had already been addressed and therefore enjoined Nigeria to respect the ICJ ruling as it had earlier promised to do to give credence to Nigeria’s international stature. He said:

It cannot be otherwise because there is a genuine worldwide interest in ensuring international law is duly respected. I’m hopeful that we’ll rise up to the challenge. We face a real test here, whether African states are ready to abide by the rule of law. I’m, however, confident we will complete our task in good time. We had technical problems but today those technical problems are behind us. We have a newly elected president in Cameroon. He’s striving for new development of his country and good neighbourliness. We have Nigeria, which is sponsoring peace talks on Darfur, Chair of the African Union (AU), and the Commonwealth, candidate for the UN Security Council ...everywhere, in Nigeria and Cameroon, is by nature volatile and the choice is clear (New Age (Lagos) October 22, 2002, pp. 1&4).

Indeed, for Nigeria, the choice was clear. The challenge of leadership weighed heavily on its shoulders and the quest for international peace and security, especially in Africa, and particularly in the West African sub-region. This is a foreign policy thrust it has committed itself therefore

it could not act otherwise, to deviate from the path of peace, honour and legality.

Nonetheless, an atmosphere of cold relations continued to exist between the two countries. Public opinion did not support the Nigerian government's intention to handover the area. Thus, the Nigerian government passed the deadlines set for the handover and hence deployed a large Nigerian military detachment on the territory. Thus, a state of restiveness was created in the area between the armed forces of both countries.

THE GREENTREE AGREEMENT (GTA)

To de-escalate the conflict, the UN secretary-general, Kofi Annan got personally involved in negotiations between the leaders of both countries, Presidents Olusegun Obasanjo (Nigeria) and Paul Biya (Cameroon). At least five diplomatic rounds took place between the UN scribe and the two presidents since the 2002 ICJ ruling. Significantly, the 2006 Greentree Agreement was signed between the two countries on June 12, 2006, in New York, (Greentree resort is on Long Island in New York, United States of America) (Newage (Lagos) October 22, 2002).

The GTA contains eight (8) Articles as follows:

Article 1

"Nigeria recognizes the sovereignty of Cameroon over the Bakassi Peninsula in accordance with the judgment of the International Court of Justice of 10 October 2002 in the matter of land and maritime boundary between Cameroon and Nigeria. Cameroon and Nigeria recognize the land and maritime boundary between the two countries as delineated by the Court and commit themselves to continuing the process of implementation already begun.

Article 2

Nigeria agrees to withdraw all its armed forces from the Bakassi Peninsula within sixty days of the date of the signing of this Agreement. If exceptional circumstances so require, the secretary-general of the United Nations may extend the period, as necessary, for a further period not exceeding a total of thirty days. This withdrawal shall be conducted

in accordance with the modalities envisaged in annex 1 to this agreement.

Article 3

1. Cameroon, after the transfer of authority to it by Nigeria, guarantees to Nigerian nationals living in the Bakassi Peninsula the exercise of the fundamental rights and freedoms enshrined in international human rights law and in other relevant provisions of international law.
2. In particular, Cameroon shall:
 - a). Not force Nigerian nationals living in the Bakassi Peninsula to leave the Zone or to change their nationality;
 - b). Respect their culture, language and beliefs;
 - c). Respect their right to continue their agricultural and fishing activities;
 - d). Protect their property and their customary land rights;
 - e). Not levy in any discriminatory manner any taxes and other dues on Nigerian nationals living in the zone; and
 - f). Take every necessary measure to protect Nigerian nationals living in the zone from any harassment or harm.

Article 4

Annex I and the map contained in Annex II to this agreement shall constitute an integral part thereof.

No part of this agreement shall be interpreted as a renunciation by Cameroon of its sovereignty over any part of its territory.

Article 5

This agreement shall be implemented in good faith by the parties, with the good offices of the secretary-general of the United Nations, if necessary, and shall be witnessed by the United Nations, the Federal Republic of Germany, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 6

1. A Follow-up Committee to monitor the implementation of this agreement is hereby established. It shall be composed of

representatives of Cameroon, Nigeria, the United Nations and the witness States. The committees shall monitor the implementation of the agreement by the parties with the assistance of the United Nations observers of the Mixed Commission.

2. The Follow-up Committee shall settle any dispute regarding the interpretation and implementation of this agreement.
3. The activities of the Follow-up Committee shall cease at the end of the period of the special transitional regime provided for in paragraph 4 of annex I to this agreement.

Article 7

This agreement shall in no way be construed as an interpretation or modification of the judgment of the International Court of Justice of 10 October 2002, for which the agreement only sets out the modalities of implementation.

Article 8

This agreement is concluded in English and French, both texts being equally authentic.” (<http://elobah.com/index.php/special-reports/12826-bakassi-full-text-of-greentree-agreement-between-cameroon-nigeria>).

According to Annan, the agreements covered three of the disputed sectors of the Bakassi Peninsula, which would take another two years for the complete handover of the Bakassi from Nigeria to Cameroon to be effected. But in the immediate, Annan said “troops would be withdrawn from the disputed area within 60days (*The Guardian* (Lagos) June 19, 2006, pp1&2).

Article 6 of the Agreement provides for a 10-man Follow-up Committee to monitor its implementation, made up of two officials of Cameroon, one representative each from the United Kingdom, France, Germany and two representatives from the United States, and two representing Nigeria. The two representing Nigeria were the Minister of Justice and Attorney General of the Federation, Chief Bayo Ojo (SAN) and the Inspector General of Police, Mr. Sunday Ehindero.

The Follow-up Committee was guided by Article 2 of the Agreement, by which “Nigeria agrees to withdraw all its armed forces from the Bakassi Peninsula”. Thus, the formal handover of the Bakassi to Cameroon

by Nigeria took place on Monday, August 14, 2006, marking the end of Nigerian's 31 years military control of the Bakassi Peninsula. Although the handover ceremony was purely a military affairs, but the Governors of two Nigerian states bordering the area namely, the governors of Cross River, Mr Donald Duke and Akwa Ibom, Obong Victor Attah were in attendance. Duke declared:

The formal withdrawal of Nigeria's military presence in Bakassi has today been successfully and peacefully conducted... in furtherance of the implementation of the October 10, 2002 judgment of the International Court of Justice (ICJ) which ceded Bakassi Peninsula to the Republic of Cameroon. This ceremony is also taking place in compliance with the tripartite agreement which their excellences, Chief Olusegun Obasanjo, president of the Federal Republic of Nigeria and his Cameroonian counterpart, Mr. Paul Biya endorsed on June, 2006 (Green Tree Agreement at the United Nations headquarters) in New York under the direct supervision of the Secretary-General of the United Nations, Mr. Kofi Annan and other world leaders (The Guardian (Lagos) June 19, 2006)

More significantly, he points out the fact that it is possible for African nations which find themselves in contest over territorial rights and other issues, to resolve the matters amicably on the round table and thus avoid the carnage, blood-letting, socio-economic and political dislocations which post - independence African states have inflicted on themselves. Furthermore, Mr. Duke did passionately appeal that: African leaders should use this event to come to the realization that while it is possible to win battles in the field, the peace and political stability which Africa requires to develop and take its proper place as a continent can only be achieved on the negotiating table (*The Guardian Lagos*: August 18, 2006, pp, 24-25).

The leader of the Nigerian delegation, Mr. Bayo Ojo, the Minister of Justice and Attorney General, of the Federal Republic of Nigeria noted that the cost of war was certainly higher than the pains of peace. He succinctly added that both countries were:

...further guided by the principle that where peace and harmony reigns, borders, especially artificial and colonially established ones, do not really

count, we resolved to prevent the dispute over Bakassi from developing into war. We should not sacrifice the lives of our people in order to retain artificial borders which we realize are increasingly becoming irrelevant in the rest of the world, particularly in Europe (The Guardian, Lagos: August 18, 2006).

In his contribution to that brief but significant event, the United Nations' Chairman of the Follow-up Committee, Mr. Keran Pendagrast, noted: "Today, we are seeing the voluntary withdrawal of Nigerian forces and transfer of authority to Cameroon. This is going to be an episode to be studied by diplomatic institutions on how disputes can be settled in a peaceful process" (*The Guardian*, August 18, 2006).

For him, "There are many lessons here to be learnt and many disputes in the world that could be settled this way.... This is a very good day for the two countries and the international community. An example has been set for others to follow" (*The Guardian* August 18, 2006)

Finally, President Obasanjo gave this historical verdict: "History will remember us for opting for peace rather than war" (*The Guardian*, August 18, 2006).

To all intent and purpose, this courageous remark underpins the spirit and letter of Nigeria's acceptance of the ICJ verdict and eventual cession of Bakassi to Cameroon. Contrary to some other analysts' view of such policy as weak, instead it should be seen as a diplomatic strength rather than weakness, for it is cheaper or less expensive, in terms of human and material resources, to pursue peace than prosecute war.

However, the option of peace was not without some resistance from the Nigerian inhabitant of the area. For instance, a youth group was not willing to move. For them, the action taken by the Nigerian government amounted to betrayal. According to them, while they appreciate what the Nigerian government is doing, but that it should be on record that they have betrayed them and will therefore fight for their own survival and self-determination. In fact they revved to support the declaration of the Republic of Bakassi. Save Bakassi Group (SBG), an advocacy group for the area, viewed the decision of the International Court of Justice and Greetree Agreement as obnoxious and repugnant to natural justice. They queried: "why have the people of Bakassi not been given the option to

choose their nationality, as it is the normal practice in matters of international jurisprudence of this nature?" (<http://savebakassi.blogspot.com>).

For the planning and physical development of a new settlement, the money appropriated for the resettlement of the Bakassi people by the Federal Government of Nigeria was put in the region of about "N6 billion or more" (*The Guardian*, August 18, 2006). Indeed, the cost of war would have been much more whopping; but let it be that the people concerned would have benefited from the appropriation.

Despite the hailed and smooth ceding of the Bakassi Peninsula to Cameroon, a dust of controversy was raised, about five and half months later in the Nigerian Senate, with a motion on November 22, 2007, disclaiming the ratification of the Green Tree Agreement. Adopting a motion moved by Senator Bassey Evon- Henshaw (PDP-Cross River) and 21 other senators, said: The transfer of Bakassi to Cameroon under the June 12, 2006, Agreement without ratification by the National Assembly was an illegality (*The Guardian*, June 15, 2006, p. 8). In other words, the ceding was unconstitutional, and therefore null and void. This was claimed to be one of the unilateral foreign policy decisions of the former President Obasanjo, a gross foreign policy error and failure of diplomacy. However, this claim was denied by the former president's Media Assistant, Mr. Adeola Ojekunle, stating that: Former President Obasanjo in two separate letters to the Senate and House of Representatives, dated June 2006, officially conveyed to both Chambers the said Agreement, including the modalities of implementation of the International Court of Justice (ICJ) judgment (*The PUNCH* Lagos: December 12, 2007 p2)

According to Ojekunle, the letter was officially copied to the Secretary to the Government of the Federation (SGF), Minister of Foreign Affairs, the Attorney-General of the Federation (AGF), and the Governor of Cross River State. The said letter also called for expeditious ratification of the Agreement. In order to nip the emergent controversy in the bud and avoid the reversal of policy and its implication for Nigeria's foreign policy, President Obasanjo's successor, President Umaru Yar'adua, on December 11, 2007 wrote to the Senate, in a letter entitled, *Re: ICJ Judgment: The Green Tree Agreement Between Nigeria and Cameroon*, addressed to the Senate, and it states *inter alia*:

You may kindly note that having subscribed to the jurisdictions of the International Court of Justice, Nigeria became duty bound to respect its judgment of 10th October, 2002 which confers the sovereignty of Cameroon over the Bakassi Peninsula. Similarly, we recall that in furtherance of that, and as a responsible member of the comity of nations as directed by International Law and Procedure, Nigeria entered into the Green Tree Agreement with Cameroon on the modalities of implementation of that judgment. A copy of the agreement and all relevant appendices were then forwarded to the National Assembly for the necessary ratification as permitted by law. However, it has been observed that the immediate past National Assembly could not actualize that. Consequently, and in furtherance to the letter and request under reference, I am again forwarding the agreement and the necessary attachment to you for ratification and appropriate action as demanded by the 1999 Constitution of the Federal Republic of Nigeria (*Thisday* Lagos: December 7, 2007, p. 8)

The tone and expression of former President Yar'Adua's letter innocuously suggests that a similar letter with a copy of the Green Tree Agreement was conveyed to the Sixth National Assembly but this was inadvertently put in abeyance, which made the claim of unilateralism question begging. Still, some experts opined that the way and manner the entire Bakassi case was handled betrayed the very rustic nature of Nigeria's foreign policy machinery.

They combatively argued that the entire peninsula is reportedly sitting on crude oil, which should have been a key incentive for the country to keep what belonged to it. And more importantly, that the "Bakassi is a strategic underbelly for Nigeria which the military should have advised against its ceding to Cameroon" (*The Punch*, December 12, 2007, p.2). While it may not be possible for the country to take Bakassi back immediately without conflict, some have suggested "it would be enough to raise the subject to the level of a dispute now so that whenever it becomes convenient for us to reclaim the territory, we would do" (Mimiko, 2007)

The cost of ceding Bakassi to Cameroon by Nigeria is equated to what the Mexicans and Russians lost in the transfer of ownership of the state of California to America in 1847 and Alaska to the Americans in 1867, respectively for a ridiculous sum of \$7.2m (California and Alaska

are immensely rich in solid and liquid precious mineral today than they appeared at the time of cession).

Whatever may be the oil-wealth deposit in the Bakassi Peninsula our leaders are obviously not blind to it but gave it but gave it all up for the greater wealth of peace and development within the Africa continent? Moreover, according to Prince Bola Ajibola, the leader of Nigeria's delegation in the Nigeria/Cameroon Mixed Commission, affirmed that Nigeria gained \$300bn oil fields from the ceding of Bakassi peninsula to Cameroon (Ajibola , 2008). To some this may seem ridiculous, but what is that compared to the cost of ravages of war? There is greater gain in pursuit of peace and development in relations between the two neighbours. And if we must go to war over the oil wealth in Bakassi, the question is: In whose interest? Since the discovery of oil in Nigeria, the wealth had been corruptly distributed in favour of the few kleptocrats. Rather than resort to war over Bakassi, what we presently have should be equitably distributed in the interest of social justice, especially for the people of Bakassi.

THE NIGERIAN GOVERNMENT AND RESETTLEMENT PROBLEM

Since Nigeria lost her sovereignty over Bakassi, the natives have been encountering the twin choice of being Nigeria and Cameroon nationality. But the majority of about 300,000 people of Bakassi preferred Nigeria, as voiced by Etinyin Okon Edet at the 12th NIIA Session on Bakassi. Moreover, the New Bakassi Local Government of Cross River State remains one of the 774 Local Government areas as contained in the 1999 Nigerian Constitution (as amended). Therefore, the Nigerian government has great responsibility to ensure the proper resettlement of the people of Bakassi.

In addition, Prince Ajibola affirmed that Nigeria gained \$300bn oil field from the ceding of Bakassi to Cameroon. As expected, questions are being raised as to what happened to these billions of naira, in addition to federal allocation to the Bakassi Local Government covers.

Also, reports had it that the Federal Government under President Obasanjo released N1billion to the Cross River State Government to commence work on the Resettlement camp for the Bakassi returnees.

But how the money was utilized is yet to be ascertained or accounted for (Sunday Punch Lagos: July 24, 2011, p.8). Similarly, the Imoke administration lobbied the Umaru Musa Yar'Adua government to release another N1billion for the same project (Okwe, 2012). As Jude Okwe writes, the sum was "lodged in a dedicated account under the office of the Secretary to State Government and used to commence work on the marshy site", which was augmented by the stage government. Part of the money was also used for providing a network of roads at the camp, including water and electricity. Over 200 two-bedroom and three-bedroom flats were built and allocated to some of the returnees (Okwe).

The gross inadequacy of these amenities has led to agitations for more housing units, to which both the Federal and Cross River state governments are paying little or no attention, blaming it on the United Nations. According to the report, "the common excuse is the United Nations' reluctance to implement the Green Tree Agreement. The world body is alleged to have "reneged" on its promise to assist Nigeria in resettling the displaced people. Frankly, this excuse on the part of the Nigerian government is incredulous and untenable, given the resources at the disposal of government. It shows lack of commitment on the part of government and disunity within the people themselves.

NEEDS FOR UNITY OF PURPOSE

With regards for the position of the Bakassi natives, the aborigines of the Peninsula which have not been considered in the Green Tree Agreement (GTA) are troubling. The GTA bias vaguely addressed the issue of the nationals living in Bakassi but left out the fate of the Bakassi natives who have continued to suffer untold hardship and degradations both in Nigeria and Cameroon (Okwe, 2012) .

Before October 10, 2012, Cameroon had reportedly lodged a complaint against Nigeria with the UN alleging Nigeria's failure to keep to the spirit of Green Tree Agreement (Akinterinwa, 2012). As things stand now there are confusing and conflict acts of responsibility. Firstly, facts exist to affirm Cameroon's violation of Articles 3 of the GTA. Secondly, the Nigerian government apparently blames its inadequacy on UN's denegation of promise of financial assistance to properly resettle the people,

substantiating the call of the Bakassi paramount ruler on the UN to come see things for itself. Thirdly, the disagreement among the Bakassi people over where to settle is the most worrisome. Certainly, solution must be found to the problem created by the ICJ ruling and the unworkable GTA document. Solution lies with the UN to conduct a *plebiscite* for the people of Bakassi to exercise their rights to self-determination; and the Nigerian government must be held accountable for the proper resettlement of the Bakassi people. And all would largely depend on the unity of purpose among the people of Bakassi.

Finally, and importantly, as Emeka Anyaoku, former Commonwealth of Nations Secretary –General has observed that the wishes of the people of Bakassi Peninsula “should have been allowed to determine where they choose to belong to”. Anyaoku cited the classic examples of the Falkland Islands and the Rock of Gibraltar that opted and became part of the United Kingdom at various times. Falkland Islands which originally belonged to Argentina were ceded to the UK as determined by people that they preferred to be in Britain. Similarly, the Rock of Gibraltar which originally belonged to Spain became a legal part of the UK in a referendum by the people. In Bakassi case, Anyaoku suggested that “since Nigeria had lost out in the case, the next step was to intensify diplomatic dialogue with Cameroon, with a view to ensuring that people of Bakassi were adequately taken care of.

Anyaoku opined that taking adequate care of the displaced people of Bakassi was what Nigeria should have done, but having failed to do that, the country and its people “should live with the afterthought. Also the government should now look out for Nigerians in Bakassi, who have chosen to return to Nigeria”. For him, “this should be the focal point of our (Nigeria’s foreign) policy on Bakassi” (Anyaoku, 2012).

But if both the UN and the Nigerian Government do not demonstrate the political will and do what is right, of course, “the brewing crisis over the Bakassi Peninsula has all the potential of becoming ‘Nigeria-Cameroon Kashmir’ if care is not taken” as Prof Bolaji Akinyemi has asserted (Akinyemi 2012). What this means is that the conflict between India and Pakistan over Kashmir border has led to two wars since their independence in 1947, yet the crisis remained unsettled.

CONCLUSION

The crisis between Nigeria and Cameroon over the ownership of the Bakassi Peninsula had its foundation in the Anglo-German treaty of 1913 and Nigeria's inadvertent concessions to that treaty even after independence in 1961. However, the strategic importance of the Bakassi Peninsula became so dare and irresistible to Nigeria during its 30 months Civil War (1967 - 70), as Cameroon, at Nigerian central government's request, closed the maritime borders against the Biafran soldiers supply routes. That blockade resulted in victory for the Nigerian government and the subsequent end of the war. This informed the several concessions Nigeria made to Cameroon in joint declarations, affirming Cameroon's ownership of the territory, entered into by the Gowon military government but never ratified.

Crisis did not develop until 1975 when General Murtala Mohammed came to power in Nigeria and accused the man he overthrew, General Gowon, of "giving out Bakassi cheaply to Cameroon", thus discrediting Gowon's foreign policy. Consequently, Nigeria's claim over the territory triggered violence between the two countries military forces.

As a result, Cameroon took Nigeria to the International Court of Justice on three grounds: i. to determine its dispute with Nigeria on the sovereignty over the Bakassi Peninsula and the maritime boundary between the two countries; ii. the delimitation of the countries' mutual land boundary from Lake Chad to the Sea; and iii. the claim of State Responsibility against Nigeria. All three claims were presented for hearing at the same time spanning a marathon period of five weeks, from September 5 – October 10, 2002.

On State Responsibility claim, the Court rejected Cameroon's application. Justice Ajibola affirmed that if Cameroon had succeeded in that alone, Nigeria "would have been thrown into endless debt that must be payable to Cameroon". According to him, "we never allowed that to happen because we counter-claimed against them on it, which saved us the eternal slavery to Cameroon and being a perpetual penury which we would have been till today and henceforth" (Vanguard, September 29, 2012) .

On land boundary from Lake Chad to the Sea and maritime boundary, the Court ruling fairly favoured Nigeria. Again, Ajibola stated: "We

gained extensively considering the claim of Cameroon against us on the maritime boundary". He argued that "the entire land that Cameroon had occupied in Nigeria" and were ascertained "belong to Nigeria on the land boundary" were claimed back from them, and far "exceeded that which is now claimed in Bakassi" (Adefaka, 2012).

As regards sovereignty over the Bakassi Peninsula, the Court ruled in favour of Cameroon, basing its judgment on several protocols, principal among which was the March 11, 1913 Agreement between Britain and Germany. Other agreements the Court relied on were the Yaounde Declaration of August 14, 1970 and the Maroua Declaration of June 1975, among others. We noted that on the eve of the Court's judgment, both Presidents Obasanjo and Biya were invited by the UN scribe to a meeting in New York during which they made a commitment to abide by the ruling of the World Court.

In November 2002, the Cameroon-Nigeria Mixed Commission was established by the UN Secretary-General at the request of Presidents Biya and Obasanjo, with the mandate to facilitate the implementation of the ICJ judgment. Following the Mixed Commission's working calendar, by August 2004 both countries should have completed their withdrawal from the disputed land boundary, paving way for demarcation. But Nigeria failed to withdraw, citing what was described as "technical hitches", a development that impelled Cameroon to petition the UN for Nigeria's noncompliance.

What was termed "technical hitches" could not have been but a 'mild drama' by Nigeria to register her disagreement over the ICJ ruling. But that was never taken for granted by the UN, more so, as the action was backed by the deployment of Nigerian troops on the territory.

In June 2006, to de-escalate tension, another meeting between the two countries was convened in New York. This produced the UN-backed Greentree Agreement signed by the both countries, setting the terms and time frame for the implementation of the 2002 ICJ ruling. The GTA reinforced the Mixed Commission mandate to facilitate the performance of the obligations under the ICJ ruling and the demarcation of the land and maritime boundary between the two countries (*thenationonline.net*). The demarcation of the land boundary is the third component of the Mixed Commission.

In twelve years of its establishment, the Mixed Commission has had some “commendable achievements”. Thus far, experts from Cameroon and Nigeria, assisted by those from the UN, “have agreed on the placement of boundary pillars representing 95 percent of the assessment work” (www.wadr.org).

On August 15, 2013, the UN Security Council, in a press release, noted the achievement of the Mixed Commission's mediation as “an outstanding initiative in preventive diplomacy”. The council also acknowledged the successful implementation of the Greentree Agreement on the settlement of the dispute over Bakassi.

However, it should be noted that, the Security Council assessment of the GTA and the Mixed Commission as successful missions should not be taken for granted as a clean bill because the undercurrents of the dispute over Bakassi is far from being calmed. Much still need to be done as this study has shown, especially with regards to the survival instinct (interest) of the Bakassi People. The people of Bakassi reserve the right to self-determination (Adeniyi, 2013). In addition, considering certain “socio-economic projects in the border areas” by Cameroon, Nigeria and the United Nations, in conjunction with development partners, including the African Development Bank and the European Union, will go a long way to alleviate the suffering of the people. According to the Nigeria Minister of Justice, Mohammed Adoke, as head of the Nigerian Delegation to the 31st Session of the Mixed Commission: “We expect that these efforts, with the support of the United Nations, will result in food security, water supply, education, energy, resettlement and the integration of the populations” (<http://unowa.unmissions.org>).

Nigeria's foreign relations with Cameroon and the international community over the Bakassi crisis and resolution have been critically assessed. The no war stance of the Nigerian government is a plus to its pursuit of peace in a continent in throes of conflict and wars. Peace is predicated on justice. Justice must be seen to have been done before peace can take its rightful place in any human society. The ceding of Bakassi to Cameroon by Nigeria is with all intent and purpose to ensure peaceful relations between the two countries. But people's lives have been affected and they must be adequately cared for. It is an inalienable right of existence that must be protected by all stakeholders concerned-- the governments

of the two countries and the international community, which the UN represents. For, indeed, the coming into being of the UN was to maintain international peace and security of all nations and, therefore, must not fail in the pursuit of justice in the interest of peace between Nigeria and Cameroon in particular and the entire sub-region in general.

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“This volume captures the essence and dynamics of democratic governance in Nigeria. The authors have done an excellent job of critically assessing the key themes, events, institutions, and actors that dominates the spectrum of contemporary Nigerian society and politics. The book is a must read for all interested in understanding the Nigerian State.”

Celestine Oyom Bassey, Professor of International Relations, Department of Political Science, University of Calabar, Nigeria

“This edited volume comprises some of the well-researched essays ever written on democratic governance and political participation in Nigeria. The essays go beyond the expected narratives of elections, party politics, gender and interest representation, human rights, public policy, political culture and governance to explore some of the peculiar issues in Nigeria’s contemporary democratic experiment such as privatization of national assets, anti-corruption campaign, terrorist insurgency, domestic security and the Bakassi Peninsula foreign policy debacle. The book is a strongly recommended reading for all relevant researchers, students, instructors and policy makers.”

Prof Kenneth Omeje, University of Bradford, UK & University of Johannesburg, South Africa.

Democratic Governance and Political Participation in Nigeria 1999-2014 seeks to critically analyse Nigeria’s democratic experience since 1999 when the current Republic was instituted. Given the chequered democratic antecedents of the country, the book examines the factors responsible for the resilience of the present democratic dispensation, in spite of forces inhibiting democratic consolidation. It also examines these inhibiting forces and makes recommendations for overcoming them. Finally, the book seeks to stimulate intellectual discourse on Nigeria’s democracy and arouse greater research interests in the subject.

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